

292 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10261-2023

DATE OF DECISION:-14.03.2023

Vikas Garg

...Petitioner.

VS.

State of Haryana and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Surender Saini, Advocate,
for the petitioner.

Mr. R.K. Ambavta, AAG, Haryana.

Mr. Deepak Singh Saini, Advocate,
Ms. Mahek Jain, Advocate and
Ms. Vibha Nagar, Advocate,
for respondent No.2-complainant.

HARKESH MANUJA, J.

By way of present petition under Section 482 Cr.P.C., the petitioner prays for quashing of FIR No.429 dated 24.07.2019, under Sections 195-A, 34 and 451 IPC, registered at Police Station Quilla, Panipat (Annexure P-1) along with all consequential proceedings arising therefrom.

On 28.02.2023, this Court passed the following order:-

“At this stage, without going into the merits of the petition, learned counsel for the petitioner submits that there is possibility of settlement between the parties and the matter be thus placed before Mediation and Conciliation Centre of this Court.

Considering the facts and circumstances of the present case, wherein there are allegations and counter-allegations between the parties resulting into registration of

different FIRs, notice of motion.

Parties are directed to appear before the Mediation and Conciliation Centre of this Court on 09.02.2023 for exploring the possibility of amicable settlement between them.

It is made clear that submissions to be made qua merits of the present petition are kept open.

For report, to come up on 14.03.2023.

In the meanwhile, the trial Court shall adjourn the proceedings beyond the date fixed before this Court.

To be heard along with CRM-M-4659-2023.”

2. In pursuance to the aforesaid order dated 28.02.2023 passed by this Court, whereby the parties were directed to appear before the Mediation and Conciliation Centre for exploring the possibility of amicable settlement between them, a report dated 09.03.2023 along with written compromise/settlement (Flag “A”) filed in cross-version case bearing CRM-M-4659-2023 has been received from the learned Mediator, stating that the parties have settled their dispute by way of amicable settlement.

3. Once, the compromise has been arrived at between the parties without any pressure and respondent No.2 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioner; the dispute being purely personal in nature, there does not appear to be any impediment as regards quashing of present FIR. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties.

4. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the

criminal proceedings. In the light of above developments, no cause remains

for the trial Court to invest further time and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance with the directions issued by this Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.***

5. My aforesaid view is mainly dervied from the proposition of law laid down by the Hon'ble Supreme Court in case of ***“Ram Gopal vs. State of Madya Pradesh, 2021(4) RCR (Criminal)322.*** Relevant paras 18 and 19 thereof are reproduced hereunder:-

“18. It is now a well crystalized axiom that the plenary jurisdiction of this Court to impart complete justice under [Article 142](#) cannot ipso facto be limited or restricted by ordinary statutory provisions. It is also noteworthy that even in the absence of an express provision akin to [Section 482](#) Cr.P.C. conferring powers on the Supreme Court to abrogate and set aside criminal proceedings, the jurisdiction exercisable under [Article 142](#) of the Constitution embraces this Court with scopius powers to quash criminal proceedings also, so as to secure complete justice. In doing so, due regard must be given to the over-arching objective of sentencing in the criminal justice system, which is grounded on the sublime philosophy of maintenance of peace of the collective and that the rationale of placing an individual behind bars is aimed at his reformation.

19. We thus sum-up and hold that as opposed to [Section 320](#) Cr.P.C. where the Court is squarely guided by the compromise between the parties in respect of offences ‘compoundable’ within the statutory framework, the extra-ordinary power enjoined upon a High Court under [Section 482](#) Cr.P.C. or vested in this Court under [Article 142](#) of the Constitution, can be invoked beyond the metes and bounds of [Section 320](#) Cr.P.C. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind: (i) Nature and effect of the offence on the conscious of the society; (ii) Seriousness of the injury, if any; (iii) Voluntary nature of compromise between the

accused and the victim; & (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.”

6. Applying the aforesaid proposition to the facts and circumstances of the present case, the petitioners having settled the dispute with the complainant, offences committed by the petitioners thus, stand compounded.

7. Thus, in view of the aforesaid report accompanied by compromise/settlement as well as keeping in mind the law laid down in the aforementioned judgments, FIR No.429 dated 24.07.2019, under Sections 195-A, 34 and 451 IPC, registered at Police Station Quilla, Panipat (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioner.

8. Accordingly, petition stands allowed subject to payment of costs of Rs.25,000/- to be deposited with the Punjab and Haryana High Court Bar Clerks Association, within a period of three weeks from today.

14.03.2023

kanika/sonika

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No