

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-20542-2022 (O&M)

Date of order: 01.08.2023

Ashwani Kumar

.....Petitioner(s)

Vs.

State of Haryana & Another

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTAPresent:- Mr. Ashutosh Upadhyay, Advocate
for the petitioner.

Ms. Deep Shikha Chauhan, AAG Haryana.

Mr. Kulwinder Singh, Advocate
for respondent No.2.

Nidhi Gupta, J.

The prayer in this petition is for quashing of FIR No.43 dated 02.03.2020 (Annexure P-1) under Sections 323, 34, 406, 498-A and 506 IPC registered at Police Station Behal, District Bhiwani, Haryana and all consequential proceedings arising therefrom on the basis of compromise dated 01.12.2021 (Annexure P-2) arrived at between the parties.

Vide order dated 13.05.2022 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 13.05.2022 with regard to the compromise dated 01.12.2021 (Annexure P-2).

In terms of the order dated 13.05.2022 passed by this Court parties have appeared before the Court of Mr. Jitender Singh, Sub-

Divisional Judicial Magistrate, Loharu and as per his report dated 30.05.2022 submitted to this Court, both the parties have got recorded their respective statements in Court.

A perusal of the above said report would show that the petitioner and respondent No.2 have appeared and suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioner has further submitted that the petitioner was not declared proclaimed offender in the present case.

Learned State Counsel has stated that four persons were named in the FIR. However, parents-in-law and sister-in-law of the complainant have been declared innocent and petitioner-husband is the sole accused, who is party to the present compromise (Annexure P2). It is further submitted that there are other cases pending against the present petitioner.

Learned counsel for respondent No.2 has again reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the two parties.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the Illaqa Magistrate, this Court finds that the matter has been amicably settled between the petitioner and the complainant. Since the matter has been

settled and the parties have decided to live in peace, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

As per the Full Bench judgment of this Court in **“Kulwinder Singh and others Vs State of Punjab”, 2007 (3) RCR (Criminal) 1052**, it is held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court is of the opinion that the same is required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Hon'ble Apex Court in the case of **“Gian Singh Vs. State of Punjab and another”, 2012 (4) RCR (Criminal) 543**, had also observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. The relevant portion of para 57 of the said judgment is reproduced hereinbelow:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court.”

In view of what has been discussed hereinabove, this petition is allowed and FIR No.43 dated 02.03.2020 (Annexure P-1) under Sections 323, 34, 406, 498-A and 506 IPC registered at Police Station Behal, District Bhiwani, Haryana along with all other consequential proceedings arising therefrom on the basis of compromise, are ordered to be quashed qua the petitioner.

Petition stands disposed of.

01.08.2023
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No