

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-25101-2023

Date of Decision: 04.07.2023

Pawan Kumar

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Devender Arya, Advocate for the petitioner.

Mr. Reepu Dhaman, AAG, Haryana.

Ms. Anjali, Advocate for

Ms. Sumeet Kaur Jandu, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present petition under Section 482 of the Cr.P.C. for quashing FIR No. 411 dated 04.11.2012 (Annexure P-1) registered under Sections 323, 354, 452 and 506 IPC at Police Station Mahendergarh, District Mahendergarh and all consequential proceedings arising therefrom as well as the judgment of conviction and order of sentence dated 02.05.2016 (Annexure P-2), passed by the trial Court and judgment dated 02.02.2023, passed by the Appellate Court (Annexure P-3) whereby the appeal preferred by the petitioner against the aforesaid judgment of conviction Annexure P-2 was dismissed, on the basis of compromise dated 18.02.2023 (Annexure P-5) effected between the parties.

Pursuant to the order dated 17.05.2023 passed by a

co-ordinate Bench this Court, the parties appeared before learned Judicial Magistrate Ist Class, Mohindergarh, to get their statements recorded. Learned Judicial Magistrate Ist Class, Mohindergarh, submitted his report along with statements of the parties vide letter No. 353 dated 24.05.2023 duly forwarded by the learned District and Sessions Judge, Narnaul, vide letter No.4423 dated 29.05.2023.

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 offenders in the present case.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the 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 concerned 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 the 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 the present case, petitioner-Pawan Kumar, had already been convicted by the learned Judicial Magistrate Ist Class, Mohindergarh, vide judgment of conviction and order of sentence dated 02.05.2016 (Annexure P-2) and the appeal against the aforesaid judgment of conviction preferred by the petitioner was also dismissed vide judgment dated 02.02.2023. Being aggrieved, the petitioner has preferred

a revision bearing CRR-452-2023 (Annexure P-4) before this Court and during the pendency of said revision, the matter has amicably been resolved between the parties. Hon'ble Division Bench of this Court in case ***Sube Singh and another Vs. State of Haryana and another: 2013(4) RCR (Criminal) 102***, held that even after conviction, if the parties have settled the dispute amicably and have decided to live in peace and harmony, this Court, in exercise of powers under Section 482 Cr.P.C, can compound the offence.

Keeping in view the report dated 24.05.2023 of learned Judicial Magistrate Ist Class, Mohindergarh and the fact that the compromise will bring peace and harmony between the parties as well as in view of the law laid down by the Hon'ble Division Bench of this Court in ***Sube Singh and another's case (supra)***, the aforesaid FIR No. 411 dated 04.11.2012 (Annexure P-1) and all subsequent proceedings arising therefrom, are hereby quashed qua the petitioner only.

The present petition is disposed of accordingly.

04.07.2023*rishu***(NIDHI GUPTA)
JUDGE****Whether speaking/reasoned****Yes/No****Whether Reportable****Yes/No**