

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-33561-2023

Date of Decision: 01.09.2023

Vijay and others

....Petitioners

V/s

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE NIDHI GUPTA

Present: Mr. Lalit Kumar Narang, Advocate,
for the petitioners.

Ms. Deep Shikha Chauhan, AAG, Haryana

Mr. Kushager Gogai, Advocate, for
Mr. Amit Khari, Advocate, for respondent No.2.

NIDHI GUPTA, J. (Oral)

The prayer in this petition is for quashing of FIR No.276 dated 15.09.2019 (Annexure P-1) under Sections 498A, 313, 406, 323, 377 34 IPC (Sections 313 and 377 IPC deleted later on), registered at Police Station Lakhan Majra, District Rohtak, and all consequential proceedings arising therefrom on the basis of compromise dated 07.02.2023 (Annexure P-2).

Pursuant to the order dated July 17, 2023, passed by this Court, the parties appeared before the learned Sub-Divisional Judicial Magistrate, Meham, to get their statements recorded. Learned Magistrate, has submitted his report along with copies of the statements of the parties vide letter dated 16.08.2023 duly forwarded by the learned District and Sessions Judge, Rohtak.

A perusal of the above said report would show that the petitioners 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 petitioners has further submitted that the petitioners were 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 appearing for respondent No.2 has 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 petitioners 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 C.I.P.C. to allow the compounding of non-compoundable offences and quash the proceedings 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 view of what has been discussed hereinabove, this petition is allowed and FIR No.276 dated 15.09.2019 (Annexure P-1) under Sections 498A, 313, 406, 323, 377 34 IPC (Sections 313 and 377 IPC deleted later on), registered at Police Station Lakhan Majra, District Rohtak, along with all other consequential proceedings arising therefrom on the basis of compromise, are ordered to be quashed qua the petitioners.

Petition stands disposed of.

Pending application(s) if any also stand(s) disposed of.

September 01, 2023
vcgarg

(NIDHI GUPTA)
JUDGE