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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-36431-2019 (O&M)

Date of decision: 12th December, 2023

Surender and others

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Paramjeet Phor, Advocate for the petitioners.
Ms. Ankita Ahuja, AAG, Haryana.
Mr. Punit Malik, Advocate for respondents No. 2 to 4.

MANISHA BATRA, J (ORAL):-

CRM-15107-2022

This application has been filed on behalf of the applicant named Balwan @ Balwant Singh for impleading him as petitioner No.8 in the main petition.

Status report has been filed, as per which, Balwan @ Balwant Singh was nominated as one of the accused in the FIR.

Learned State counsel as well as respondent No.2 to 4 have no objection, if the same is allowed. Therefore, the application is allowed and the applicant/ petitioner No.8 is ordered to be impleaded as petitioner No.8.

Application stands disposed of.

Main case

The present petition has been filed under Section 482 of Code of Criminal Procedure for quashing of FIR No. 436, dated 13.08.2016 registered under Sections 148/149/323/452/506/379/472/325 of Indian Penal

Code, 1860 and Section 8 of POCSO Act, at Police Station Gharaunda, District Karnal (Annexure P-1) and all the subsequent proceedings arising therefrom, on the basis of compromise deed dated 26.07.2019 (Annexure P-2).

2. The aforementioned FIR had been lodged by respondent No.2/complainant and investigation was commenced thereon.

3. It is submitted by counsel for the petitioner(s) that a compromise has been arrived at between the parties and they have resolved their *inter se* dispute, which was reduced into writing as compromise deed dated 26.07.2019 annexed with the present petition as Annexure P-2.

4. On the basis of said compromise, the petitioners have prayed for quashing of the aforesaid FIR and all the subsequent proceedings on the ground that continuation of such proceedings would be a futile exercise.

5. This Court vide order dated 14.01.2020 had directed the parties to appear before the trial Court/Illaq Magistrate for recording their statements with regard to the genuineness of the compromise stated to have been arrived at between them. The trial Court/Illaq Magistrate was also directed to send his/her report along with the said statements.

6. Pursuant to the aforesaid order, The Additional Sessions Judge-cum-Fast Track Special Court (POCSO), Karnal has sent report vide endorsement No. 221 dated 07.03.2020 to this Court. As per the statements of the parties including petitioner No.8 as well as joint statement of the petitioners and respondents No. 2 to 4 recorded on 20.02.2020 and statement of Investigating Officer ASI-Manoj Kumar as recorded on 02.03.2020.

7. On the basis of these statements, it is submitted by learned Magistrate that the compromise effected between the parties is genuine, out

of free Will and without any pressure or coercion. It is also mentioned in the report that apart from the petitioner(s), there is no other accused in the FIR and that the accused have not been declared proclaimed persons in this case.

8. I have heard learned counsel for the parties and besides perusing the report by learned Judicial Magistrate, have also perused the record.

9. It is well settled that the High Court has power to allow compounding of a non-compoundable offence and quash the prosecution under Section 482 of Cr.P.C. where it feels that the same is required to prevent the abuse of process of law or otherwise to secure the ends of justice. Such power is not confined to matrimonial disputes alone. In this regard, reference can be made to a Full Bench judgment of this Court in ***Kulwinder Singh and others v. State of Punjab, 2007 (3) RCR (Criminal) 1052***. It is equally settled position of law that the power of High Court in quashing criminal proceedings or FIR or complaint in exercise of its inherent jurisdiction is of wide plenitude with no statutory limitation. Such power can certainly be exercised in cases relating to offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. The High Court is required to consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law and whether to secure the ends of justice, it is appropriate to put an end to the criminal case and if the answer to such question is in affirmative, then the High Court is well within its jurisdiction to quash the criminal proceedings. Reference in this context can be made to Hon'ble

Apex Court judgments cited as *Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543* and *Narinder Singh and others vs. State of Punjab and another, 2014 (6) SCC 466*.

10. In view of the proposition as settled in the aforementioned cases, this Court finds that continuation of proceedings would be an abuse process of the Court in the facts and circumstances of the present case which squarely falls within the ambit and parameters settled by judicial precedents and that allowing and accepting the prayer of the petitioners by quashing of the FIR would be securing the ends of justice, which is primarily the object of legislature enacted under Section 482 of Cr.P.C. Accordingly, the petition is allowed and the FIR No. 436, dated 13.08.2016 registered under Sections 148/149/323/452/506/379/472/325 of Indian Penal Code, 1860 and Section 8 of POCSO Act, at Police Station Gharaunda, District Karnal (Annexure P-1) and all the subsequent proceedings arising therefrom, are ordered to be quashed qua the petitioners on the basis of compromise dated 26.07.2019 (Annexure P-2).

11. Needless to say that the parties shall remain bound by the terms and conditions of the compromise and statements as recorded before learned Judicial Magistrate.

[MANISHA BATRA]
JUDGE

12th December, 2023

Parveen Sharma

1. Whether speaking/ reasoned
2. Whether reportable

: Yes / No
: Yes / No