

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-45742-2022 (O&M)

Date of order: 09.10.2023

Vineet Kumar Narula & Another

.....Petitioner(s)

Vs.

State of Haryana & Another

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Shakti Mehta, Advocate
for the petitioners.

Ms. Deep Shikha Chauhan, AAG Haryana.

Nidhi Gupta, J.

The prayer in this petition is for quashing of FIR No.169 dated 25.02.2020 (Annexure P-3) under Sections 323, 34, 406 and 498-A IPC registered at Police Station Mahesh Nagar, Ambala and all consequential proceedings arising therefrom including final investigation report under Section 173 Cr.P.C. dated 28.09.2020 (Annexure P4).

Vide order dated 19.07.2023, following order was passed:-

"....In view of the above, the Illaqa Magistrate concerned is directed to secure the presence of respondent no.2 before the Id. Trial Court, through SHO concerned on 21.9.2023 for recording of the statement of the respondent No. 2 herein. The petitioner shall also be present before the Id. Trial Court on 21.9.2023, to record his statement".

In terms of the order dated 19.07.2023 passed by this Court parties have appeared before the Court of learned Judicial Magistrate, 1st Class, Ambala and as per her report dated 25.09.2023 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 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 submitted that the petitioners were not declared proclaimed offenders in the present case and all accused are a party to the compromise.

Learned State Counsel has stated that she 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 Illaqa 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 Cr.P.C. to allow the compounding of non-compoundable offence 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 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.169 dated 25.02.2020 (Annexure **P-3**) under Sections 323, 34, 406 and 498-A IPC registered at Police Station Mahesh Nagar, Ambala and all consequential proceedings arising therefrom including final investigation report under Section 173 Cr.P.C. dated 28.09.2020 (Annexure P4), 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.

09.10.2023
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No