

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-2334-2024

Date of Decision: 02.05.2024

Naman Kumar

.... Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Robin Singh Hooda, Advocate for the petitioner.

Mr. Aditya Pal Singla, A.A.G., Haryana.

Mr. G.S.Bhinder, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 0244 dated 30.03.2023 registered under Section 346 of Indian Penal Code, 1860 (report under Section 173 Cr.P.C. presented under Sections 346, 376(2)(n) and 419 IPC) at Police Station Rohtak City, District Rohtak (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise-cum-affidavits both dated 05.01.2024 (Annexures P-2 and P-3) arrived at between the parties.

Pursuant to the order dated 16.01.2024 passed by a co-ordinate Bench of this Court, the parties appeared before the learned Additional District & Sessions Judge-cum-Special Judge, Rohtak, to get their statements recorded. Learned Additional District & Sessions Judge-cum-Special Judge, Rohtak, has submitted her report along with copies of statements of the parties vide letter dated 27.02.2024 duly forwarded by the learned District and Sessions Judge, Rohtak.

A perusal of the above said report would show that the petitioner, respondents No. 2 and 3 have appeared and suffered statements with respect to the compromise-cum-affidavits, which have been found to be without any pressure, coercion, threat or undue influence. There is no other criminal case pending against the parties.

Learned counsel for the petitioner submits that as per report, petitioner is the only accused person in the present FIR and has never been declared as proclaimed offender.

Learned State counsel has stated that he has 'no objection' in case the FIR is quashed on the basis of compromise-cum-affidavits qua the petitioner.

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

After perusing the report submitted by the learned Sub Additional District & Sessions Judge-cum-Special Judge, Rohtak, this Court finds that the matter has been amicably settled between the petitioner and respondents No. 2 and 3. 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 here-in-below:-

“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 here-in-above, this petition is allowed and FIR No. 0244 dated 30.03.2023 registered under Section 346 of Indian Penal Code, 1860 (report under Section 173 Cr.P.C. presented under Sections 346, 376(2)(n) and 419 IPC) at Police Station Rohtak City, District Rohtak (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise-cum-affidavits both dated 05.01.2024 (Annexures P-2 and P-3) are ordered to be quashed qua the petitioner.

02.05.2024

Divyanshi

(NIDHI GUPTA)

JUDGE

Whether speaking/reasoned

Whether Reportable

Yes/No

Yes/No