



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

275

CRM-M-8798-2024

Date of Decision: 10.07.2024

Rajinder Singh

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Ajay Kadyan, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. Ankit Bindhan, Advocate for

Mr. Hardeep Rana, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 266 dated 21.07.2020 (Annexure P-1) registered under Sections 354-D, 506 and 509 IPC [Sections 66, 67(A) of the Information Technology Act were added later on] at Police Station Gohana Sadar, District Sonipat and all the consequential proceedings arising therefrom on the basis of compromise dated 13.02.2024 (Annexure P-2) arrived at between the parties.

Pursuant to the order dated 12.03.2024 passed by this Court, the parties have appeared before the learned Judicial Magistrate Ist Class, Gohana, to get their statements recorded. Learned Judicial Magistrate Ist Class, Gohana, has submitted her report along with copies of statements of the parties vide letter dated 12.06.2024 duly forwarded



by the learned District and Sessions Judge, Sonipat.

A perusal of the above said report would show that the petitioner and respondents No. 2 have appeared and suffered statements with respect to the compromise which have been found to be genuine, voluntary and without any coercion and undue influence.

Learned counsel for the petitioner, *inter alia*, submits that the petitioner and the respondent No.2/complainant are known to each other as they studied in the same college. It is admitted that respondent No. 2 is married to some other person. It is stated that the present FIR has been registered due to some misunderstanding between the parties. The allegations in the FIR pertains only to the effect that some screenshots of respondent No.2 were in the possession of the petitioner and he used to threaten and harass respondent No.2 on that basis. It is submitted that now the misunderstanding has been clear in between the parties and the matter has been settled by way of compromise dated 13.2.2024 (AnnexureP-2), according to which, both the parties have agreed not to proceed further with the FIR in question. Further, it is submitted that the petitioner is the only accused in the 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 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 Judicial Magistrate Ist Class, Gohana, this Court finds that the matter has been



amicably settled between the petitioner and respondent No. 2. 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. 266 dated 21.07.2020 (Annexure P-1) registered under Sections 354-D, 506 and 509 IPC [Sections 66, 67(A) of the Information Technology Act were added later on] at Police Station Gohana Sadar, District Sonipat and all the consequential proceedings arising therefrom on the basis of compromise dated 13.02.2024 (Annexure P-2) arrived at between the parties, are ordered to be quashed qua the petitioner.

10.07.2024
rishu

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No