

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-10561-2024

Date of Decision: 15.04.2024

Balvinder Singh and others

.... Petitioners

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. B.S. Beniwal, Advocate for the petitioners.

Mr. Aditya Pal Singla, AAG, Haryana.

Ms. Suman Beniwal, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

The petitioners who are husband (petitioner No. 1); brother-in-law/*devar* (petitioner No. 2) and parents-in-law (petitioners No. 3 and 4) of complainant-respondent No. 2 herein, have filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 314 dated 22.08.2022 registered under Sections 323/34, 354-A, 406, 498-A and 506 IPC at Police Station Uklana and all the consequential proceedings arising therefrom, on the basis of compromise dated 12.02.2024 (Annexure P-3) arrived at between the parties.

Pursuant to the order dated 28.02.2024 passed by this Court, the parties appeared before the learned Additional Chief Judicial Magistrate, Hisar, to get their statements recorded. Learned Additional Chief Judicial Magistrate, Hisar, has submitted her report along with copies of the statements of the parties vide letter dated 09.04.2024 duly

forwarded by the learned District and Sessions Judge, Hisar, in compliance of another order dated 08.04.2024, passed by this Court.

A perusal of the above said report would show that the petitioners No. 2 to 4, namely, Kalvinder Singh, Gora Singh and Bhoti Devi and respondent No. 2 have appeared and suffered statements with respect to the compromise; whereas statement of petitioner No. 1-Balvinder Singh/husband of complainant/respondent No. 2 was recorded through video conferencing, which have been found to be made with their free will, without any undue influence or pressure and the compromise is genuine, voluntary and without any coercion. It has also been reported that there are total 04 accused in the present case i.e. the present petitioners and no accused has been declared as proclaimed offender(s). It has further been reported that challan in the present case was presented only against petitioners No. 2 to 4 herein as petitioner No. 1-Balvinder Singh/husband of complainant-respondent No. 2 herein, who is resident of Germany, has not yet joined the investigation in this case.

Learned counsel for the petitioners submits that the matter has been amicably settled between the parties vide compromise dated 12.02.2024 (Annexure P-3). Further, it is submitted that there are 04 accused in the present case i.e. the present petitioners and they have never been declared as proclaimed offender(s).

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

This Court has heard the learned counsel for the parties and

has perused the file.

After perusing the report submitted by the learned Additional Chief Judicial Magistrate, Hisar, this Court finds that the matter has been amicably settled between the petitioners 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. 314 dated 22.08.2022 registered under Sections 323/34, 354-A, 406, 498-A and 506 IPC at Police Station Uklana and all the consequential proceedings arising therefrom, on the basis of compromise dated 12.02.2024 (Annexure P-3), are ordered to be quashed qua the petitioners.

15.04.2024
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(NIDHI GUPTA)
JUDGE

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