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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11234-2024 (O&M)
Date of decision: 07.05.2024

Vinod Kumar and others

...Petitioners

Versus

State of Haryana and others

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Hitesh Chopra, Advocate for the petitioners.

Mr. Naveen Singh Panwar, DAG, Haryana.

Mr. Harish Jain, Advocate for respondent Nos.2 and 3.

VIKAS BAHL, J. (ORAL)

1. This is the second petition filed under Section 482 of Cr.P.C. for quashing of FIR No.210 dated 23.05.2021 registered under Sections 148, 188, 323, 354-B, 452, 506 of the Indian Penal Code, 1860 at Police Station Palam Vihar, District Gurugram and all the subsequent proceedings arising therefrom on the basis of compromise.

2. On 11.03.2024, this Court had passed the following order:-

“This is the second petition filed under Section 482 Cr.P.C. for quashing of FIR No.210 dated 23.05.2021 registered under Sections 148, 188, 323, 354-B, 452, 506 of the Indian Penal Code, 1860 at Police Station Palam Vihar, District Gurugram and all the subsequent proceedings

arising therefrom on the basis of compromise.

Learned counsel for the petitioners as well as respondent No.2 have jointly submitted that the present dispute arises out of a matrimonial dispute and the matter has been compromised between the parties.

Notice of motion for 21.03.2024.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 10 days.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is a proclaimed offender?*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 4. Whether the accused persons are involved in any other FIR or not?*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

Learned counsel for the petitioners has submitted that liberty be granted to petitioner No.2 to appear through Video Conferencing.

In view of the abovesaid request made, liberty is granted to petitioner No.2 to appear through Video Conferencing.

To be taken up at 12:00 pm.”

3. Thereafter, on 21.03.2024, this Court had passed the following order:-

“As per the report of the Judicial Magistrate Ist Class,

Gurugram, in pursuance of the order dated 11.03.2024 passed by this Court, the statement of the parties qua compromise could not be recorded in view of the fact that the complainant had not appeared.

Learned counsel appearing for the complainant-respondent no.2 has submitted that one last opportunity be granted to the complainant-respondent no.2 to appear before the trial Court in support of the compromise.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of six weeks.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is a proclaimed offender?*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 4. Whether the accused persons are involved in any other FIR or not?*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

Adjourned to 06.05.2024.

To be taken up at 12:00 noon.”

4. In pursuance of the abovesaid orders, a report has been submitted by the Judicial Magistrate Ist Class, Gurugram. The relevant portion of the said report is reproduced hereinbelow:-

“Requisite report on specific points as directed vide order dated 21.03.2024 are as follows:

- I) In the present case, five persons were arraigned as*

accused in the FIR. And, final report under Section 173(2) Criminal Procedure Code 1973 has been filed against accused persons namely Vinod, Neelam, Manav, Manoj & Payal. Above named accused persons have appeared for their statement regarding compromise.

ii) Above named accused persons have not been declared proclaimed persons absconding in the case. There is no other accused in the present case.

iii) In the view of the statement of complainant qua compromise, I am of the considered view that the compromise effected between the parties appears to be without any threat or pressure from either side and is made out of free volition of the parties.

iv) Accused persons are not involved in any other FIR. Statement to that effect has been recorded by both accused persons and IO.

v) There is only one complainant namely Ms. Meenakshi in the present case and complainant, injured Krishna Kumari as well as all five accused persons are party to the present compromise Ex.C1 and have appeared before the court. As per investigating officer, no other criminal cases are pending against the accused persons.

The requisite report, along with the original statement of parties is being submitted as desired.”

5. A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. It has been stated that the statements of the complainant as well as the accused have been recorded in the case and both have stated that the matter has been compromised and they have no objection in case the FIR is quashed. It is further stated that the statement of the complainant has been made

voluntarily without any fear, coercion or pressure.

6. Learned counsel for the petitioners has submitted that the petitioners were not declared proclaimed offenders in the present case. Learned counsel for the State, as per instructions has stated that the said fact is correct.

7. Learned counsel for respondent Nos.2 and 3 has 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.

8. This Court has heard the learned counsel for the parties and has perused the file. After perusing the report submitted by the trial Court, 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.

9. As per the Full Bench judgment of this Court in “**Kulwinder Singh and others Vs State of Punjab**”, reported as **2007 (3) RCR (Criminal) 1052**, it was 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.

10. Hon'ble the Apex Court in the case of “**Gian Singh Vs. State of Punjab and another**”, reported as **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. XXX---XXX”

11. In view of what has been discussed hereinabove, the petition is allowed and FIR No.210 dated 23.05.2021 registered under Sections 148, 188, 323, 354-B, 452, 506 of the Indian Penal Code, 1860 at Police Station Palam Vihar, District Gurugram and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

12. All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

07.05.2024
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No