

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

275+140

CRM-M No. 11647-2023 (O&M)
Date of Decision: 13.03.2024

Gopal Sharma and othersPetitioners

Versus

State of Haryana and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Raja Sharma, Advocate for the petitioners.
Mr. Arjun Lakhanpal, Addl.A.G, Haryana.
Mr. Nav Chahal, Advocate for private respondents.

MANISHA BATRA, J.(ORAL)

CRM-11081-2024

This application is filed under for impleading Vikram Sodhi and Deepak Singh as parties to the present petition by submitting that as per the version of the prosecution, they had also sustained injuries in the occurrence and hence were affected persons. It is also submitted that both of them have sworn affidavits in favour of the petitioners to the effect that they have no objection if the FIR is quashed.

This application is allowed, subject to all just exceptions, the above named persons are ordered to be impleaded as respondents No. 3 and 4, respectively. Amended memo of parties have been filed.

At this stage, Mr. Nav Chahal, Advocate has appeared on behalf

of newly added respondents No. 3 and 4 and filed his power of attorney which is taken on record.

Learned counsel has affirmed the fact that affidavits Annexures P-5 and P-6 have been sworn by these respondents respectively and they have no objection if the FIR is quashed. Statements of the memo of parties have also been recorded.

Main case

1. The present petition has been filed under Section 482 of Code of Criminal Procedure for quashing of FIR No.633 dated 16.10.2022 under Sections 147, 149, 323, 354-A, 452, 506 and 509 of IPC registered at Police Station Industrial Sector 29, Panipat District Panipat (Annexure P-2) and all the subsequent proceedings arising therefrom, on the basis of compromise/agreement dated 21.01.2023 (Annexure P-2).

2. The aforementioned FIR had been lodged by respondent No.2/complainant and investigation was commenced thereon.

3. It is submitted by counsel for the petitioners that a compromise has been arrived at between the parties and they have resolved their *inter se* dispute, which was reduced into writing as compromise dated 21.01.2023 annexed with the present petition as Annexure P-2.

4. On the basis of said compromise, the petitioners have prayed for quashing of the aforesaid FIR and all the subsequent proceedings on the ground that continuation of such proceedings would be a futile exercise.

5. This Court vide order dated 09.03.2023 had directed the parties to appear before the Illaqa Magistrate/Duty Magistrate for recording their statements with regard to the genuineness of the compromise stated to have

been arrived at between them. The Illaqa Magistrate/Duty Magistrate was

also directed to send his/her report along with the said statements.

6. Pursuant to the aforesaid order, the Judicial Magistrate, Ist Class, Panipat has sent report dated 05.04.2023 to this Court along with the statement of respondent No.2/complainant-Hema Rani and joint statement of the petitioners/accused recorded on 20.03.2023 and statement of Investigating Officer ASI-Sunil Kumar recorded on 01.04.2023.

7. Today, respondents No.3 and 4 who were also affected parties in the present case, have appeared through their counsel and have filed their respective affidavits as Annexures P-5 & P-6, respectively to the effect that they have no objection if the present FIR is quashed.

8. On the basis of the affirmations as made in the affidavits annexures P-5 and P-6 and the statements recorded by the parties as well as the Investigating Officer, it is submitted by learned Magistrate that the compromise effected between the parties is genuine, out of free Will and without any pressure or coercion. It is also mentioned in the report that apart from the petitioners, there is no other accused in the FIR and that the accused have not been declared proclaimed persons in this case.

9. I have heard learned counsel for the parties and besides perusing the report by learned Judicial Magistrate as well as the affidavits sworn by respondents No.3 and 4, have also perused the record.

10. It is well settled that the High Court has power to allow compounding of a non-compoundable offence and quash the prosecution under Section 482 of Cr.P.C. where it feels that the same is required to prevent the abuse of process of law or otherwise to secure the ends of justice. Such power is not confined to matrimonial disputes alone. In this

regard, reference can be made to a Full Bench judgment of this Court in

Kulwinder Singh and others v. State of Punjab, 2007 (3) RCR (Criminal) 1052. It is equally settled position of law that the power of High Court in quashing criminal proceedings or FIR or complaint in exercise of its inherent jurisdiction is of wide plenitude with no statutory limitation. Such power can certainly be exercised in cases relating to offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. The High Court is required to consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law and whether to secure the ends of justice, it is appropriate to put an end to the criminal case and if the answer to such question is in affirmative, then the High Court is well within its jurisdiction to quash the criminal proceedings. Reference in this context can be made to Hon'ble Apex Court judgments cited as ***Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543*** and ***Narinder Singh and others vs. State of Punjab and another, 2014 (6) SCC 466.***

11. In view of the proposition as settled in the aforementioned cases, this Court finds that continuation of proceedings would be an abuse process of the Court in the facts and circumstances of the present case which squarely falls within the ambit and parameters settled by judicial precedents and that allowing and accepting the prayer of the petitioners by quashing of the FIR would be securing the ends of justice, which is primarily the object of legislature enacted under Section 482 of Cr.P.C. Accordingly, the petition is allowed and the FIR No.633 dated 16.10.2022 under Sections 147, 149,

Sector 29, Panipat District Panipat (Annexure P-2) and all the subsequent proceedings arising therefrom, are ordered to be quashed qua the petitioners on the basis of compromise dated 21.01.2023 (Annexure P-3) as well as affidavits sworn by respondents No.3 and 4 (Annexures P-5 & P-6, respectively).

12. Needless to say that the parties shall remain bound by the terms and conditions of the compromise and statements as recorded before learned Judicial Magistrate.

13.03.2024

Jyoti-IV

(MANISHA BATRA)

JUDGE

Whether speaking/reasoned:	Yes/No.
Whether reportable :	Yes/No