



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-50361-2024 (O&M)

Date of Decision:21.11.2024

Rajinder Kumar

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. B.S.Mamli, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Jaivir Singh, Advocate for
Mr. Deepak Kumar, Advocate for respondent No.2.

NIDHI GUPTA, J. (ORAL)

Prayer in the present petition U/s 482 Cr.P.C. is for quashing of FIR No.552 dated 11.09.2014 (Annexure P-1) under Section 420, 498-A, 406, 506, 494, 34 of Indian Penal Code, 1860, registered at Police Station Sadar Fatehabad, District Fatehabad; and also for setting aside the judgment and order dated 15.03.2018 and 17.03.2018 (Annexure P-2) passed by Ld. Chief Judicial Magistrate, Fatehabad whereby the petitioner has been convicted and sentenced under Sections 498-A, 406, 420 and 495 IPC, which has been challenged in appeal bearing CRA-1352 of 2018 titled as '*Rajinder Kumar Versus State of Haryana*', on the basis of compromise dated 10.11.2021 notarized on 07.12.2021 (Annexure P-6).



Pursuant to the order dated 13.12.2021 passed by a Coordinate Bench of this Court, the parties appeared before the learned Chief Judicial Magistrate, Fatehabad to get their statements recorded. Learned Chief Judicial Magistrate, Fatehabad has submitted his report along with statements of the parties vide letter dated 28.02.2022 duly forwarded by the learned District and Sessions Judge, Fatehabad on 02.03.2022.

A perusal of the above said report shows that the present petitioner alongwith other co-accused has been convicted and sentenced vide orders dated 15.03.2018 and 17.03.2018 (Annexure P-2) passed by learned Chief Judicial Magistrate, Fatehabad. The petitioner and respondent No.2 have appeared and suffered statements with respect to the compromise, which have been found to be genuine, voluntarily and without any coercion and out of their free will. There is no other criminal case/FIR registered against the present petitioner. The petitioner has never been declared as proclaimed offender. The petitioner and respondent No.2 are the only party to the compromise.

The Hon'ble Supreme Court in *Ram Gopal and Anr. Vs. State of Madhya Pradesh, 2021(4) RCR (Criminal) 322*; and a Division Bench of this Court in *Sube Singh Vs. State of Haryana 2013(4) RCR (Criminal) 102*, have held that the power of the Court under Section 482 Cr.P.C. can be invoked to quash a complaint/FIR on the basis of a voluntary compromise even at a post conviction stage.

Learned State counsel as well as learned counsel for respondent No.2 have stated that they have 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 Chief Judicial Magistrate, Fatehabad, 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.552 dated 11.09.2014 (Annexure P-1) under Section 420, 498-A, 406, 506, 494, 34 of Indian Penal Code, 1860, registered at Police Station Sadar Fatehabad, District Fatehabad; and also for setting aside the judgment and order dated 15.03.2018 and 17.03.2018 (Annexure P-2) passed by Ld. Chief Judicial Magistrate, Fatehabad, which has been challenged in appeal bearing CRA-1352 of 2018 titled as ‘*Rajinder Kumar Versus State of Haryana*’, on the basis of compromise dated 10.11.2021 notarized on 07.12.2021 (Annexure P-6), are ordered to be **quashed** qua the petitioner.

Pending application, if any, stands disposed of.

21.11.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No