

**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

**Date of decision:18.11.2015**

Rajiv Bhalla

.....Petitioner

v.

State of Punjab and another

.....Respondent

**CORAM: HON'BLE MR.JUSTICE JASWANT SINGH**

Present:- Mr.Ravi Kumar Mattoo,Advocate for the petitioner  
Mr.Kirat Singh Sidhu,Deputy Advocate General  
for State of Punjab

**Jaswant Singh,J.(Oral)**

Prayer is for quashing of FIR no.517 dated 13.11.2009 under Sections 341/323/324/34 IPC, PS Kotwali,Patiala and all subsequent proceedings arising therefrom, on the basis of compromise.

As per allegations levelled by complainant-respondent no.2 namely Pooja Bhalla, who is niece of the present accused petitioner Rajiv Bhalla and cousin of co-accused Sahil Bhalla, son of Rajiv Bhalla both the accused had inflicted injuries on her hand. It is not disputed that both the parties are jointly residing in a common residence. It is also not disputed that co-accused Sahil Bhalla was declared a juvenile and has since been released on probation vide order dated 6.6.2012(P-3). It is stated that the dispute between family members has since been amicably settled and therefore, quashing on the basis of compromise is

prayed for.

Vide order dated 30.7.2015 parties were directed to get their statements recorded before the Court concerned regarding genuineness of the compromise.

In compliance thereof, learned JMIC, Patiala vide his report dated 16.10.2015 (taken on record as Mark-A) has reported that the complainant as well as accused have suffered statements regarding compromise voluntarily without any inducement, coercion or pressure etc.

Learned State counsel on instructions from ASI Devinder Singh states that case is at the stage of prosecution evidence.

Hon'ble Supreme Court in **(2003)4 SCC 675, B.S. Joshi and others v State of Haryana and another** has made it explicitly clear in para 15 of its judgment that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 of the Code does not limit or effect the powers under Section 482 of the Code.

A Full Bench of this Court in **Kulwinder Singh and others v State of Punjab and another, 2007(3)RCR(Criminal) 1052** has held that this Court, in appropriate cases, while exercising powers under Section 482 Cr.P.C., may quash an FIR disclosing the commission of non-compoundable offences. The relevant extract reads as under:-

“The only inevitable conclusion from the above discussion is

that there is no statutory bar under the Cr.P.C., which can affect the inherent power of this Court under Section 482.

Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.”

Hon'ble Apex Court in another case in **J.T.2008(9) SC 192**

**Nikhil Merchant v Central Bureau of Investigation and Another** while relying upon its decision in **B.S.Joshi's** case (supra) has also held that in view of the compromise arrived at between the parties, the technicalities should not be allowed to stand in the way in the quashing of criminal proceedings and the continuance of the same after compromise between the parties would be a futile exercise.

Similar views were expressed by Hon'ble the Apex Court in **Madan Mohan Abot v State of Punjab, 2008(4) SCC 582**, the relevant extract of which is as under:-

“We need to emphasise that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilised in deciding more effective and

meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law.”

Keeping in view the above settled legal position and taking into account the fact that both the parties have desired to live in peace and harmony and carry on with their lives without any ill will or rancour by resolving their differences and entering into the aforesaid compromise, it is evident that it is a fit case where there is no impediment in the way of the Court to exercise its inherent powers under Section 482 Cr.P.C., for quashing of the FIR in the interest of justice.

Accordingly, the present petition is allowed and FIR no.517 dated 13.11.2009 under Sections 341/323/324/34 IPC, PS Kotwali,Patiala and all subsequent proceedings arising therefrom, are quashed.

18.11.2015.  
joshi

**(Jaswant Singh)**  
**Judge**