

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

249

Criminal Misc. No. M-26167 of 2015
Date of decision: October 20, 2015

Sunil @ Sunil Kumar and others

....Petitioners

versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Jarnail Singh Saneta, Advocate for the petitioners.

Mr. Sulinder Kumar, AAG, Haryana.

Mr. Rajesh Bhatheja, Advocate for respondent No.2.

DAYA CHAUDHARY, J.(Oral)

The present petition has been filed under Section 482 Cr.P.C. by petitioners, namely, Sunil @ Sunil Kumar, Sheru @ Sher Singh and Vijender @ Beeru @ Virender for quashing of FIR No.804 dated 16.06.2015 registered under Sections 323/365/506 read with Section 34 IPC at Police Station City Panipat, District Panipat and other proceedings arising therefrom on the basis of compromise arrived at between the parties.

Learned counsel for the petitioners submits that there was some money dispute between the parties which has been sorted out

with the complainant during pendency of the proceedings and the complainant has no objection in quashing of the FIR and other proceedings arising therefrom.

Notice of motion was issued on 07.08.2015 and the parties were directed to appear before the trial Court/Area Magistrate for recording of their statements with regard to compromise. The trial Court/Area Magistrate was also directed to send a report as to whether the compromise arrived at between the parties is genuine and without any pressure from either side or not.

In response thereto, the parties appeared before learned Chief Judicial Magistrate, Panipat and accordingly, their statements were recorded. A report has been sent by the Chief Judicial Magistrate, Panipat wherein, the factum of compromise has been affirmed. It has been mentioned therein that the dispute between the parties has been settled by way of compromise and the complainant has no objection in quashing of the FIR and other proceedings arising therefrom. The Investigating Officer in the case has also appeared before the Chief Judicial Magistrate, Panipat and made a statement with regard to lodging of the FIR. He has also stated that the complainant was the only injured and none of the accused was declared as proclaimed offender. It has also been mentioned therein that the parties to the dispute have specifically stated in their respective statements that the compromise has been arrived at between them and now they do not want to proceed with the proceedings any further. It has also been mentioned therein that the compromise is as per their free will and without any pressure from either side and no other case is pending against either of the parties.

Since the dispute between the parties has been settled by way of compromise and the complainant has no objection in quashing of the FIR on the basis of compromise, continuation of proceedings would be a futile exercise as the complainant is not going to support the case of the prosecution and that would not only be mere wastage of the valuable time of the Court but it would also not be in the interest of both the parties. This Court has inherent powers under Section 482 Cr.P.C. to quash the criminal proceedings even in non-compoundable offences on the basis of compromise.

Accordingly, the present petition is allowed and FIR No.804 dated 16.06.2015 registered under Sections 323/365/506 read with Section 34 IPC at Police Station City Panipat, District Panipat as well as other proceedings arising therefrom qua petitioners, namely, Sunil @ Sunil Kumar, Sheru @ Sher Singh and Vijender @ Beeru @ Virender are hereby quashed.

October 20, 2015

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**(DAYA CHAUDHARY)
JUDGE**