

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

Date of decision:19.08.2015.

CRM-M 12597/2015

Anshu Pawar

.....Petitioner

v.

State of Haryana and others

.....Respondent

CRM-M 14391/2015

Wasim Akram mKhan @ Wasim Khan

.....Petitioner

v.

State of Haryana and another

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Manish Soni,Advocate for petitioner in
CRM-M 12597/2015

Mr.Sunil Panwar,Advocate for petitioner in
CRM-M 14391/2015

Mr.Rajbir Singh,AAG Haryana for respondent State

Jaswant Singh,J.(Oral)

This order shall dispose of aforesaid two petitions as it is a
case of version and cross version.

Facts in brief are that on 23.5.2014 Anshu Pawar (petitioner
in CRM-M 12597/2015) lodged FIR No.221 dated 23.5.2014 for the

offences under Sections 354A/506/509 IPC against Wasim Akram (petitioner in CRM-M 14391/2015) at PS Susant Lok, Gurgaon. On the same day Deepak Sharma (respondent no.3 in CRM-M 12597/2015) lodged FIR No.223 dated 23.5.2014, PS Susant Lok, Gurgaon against Anshu Pawar (petitioner in CRM-M 12597/2015) for the offences under Sections 323, 506, 504, 341, 147, 149 IPC.

Now accused petitioners in both the petitions have filed the aforesaid two petitions for quashing of the aforesaid FIRs and all consequent proceedings arising therefrom on the basis of compromise dated 2.2.2015 arrived at between them.

Vide separate orders dated 23.4.2015 and 7.5.2015 passed in the aforesaid petitions, parties were given liberty to move an application before the Illaqa Magistrate/ trial Court to get their statements recorded with regard to genuineness of the compromise.

In compliance of the aforesaid orders, learned JMIC, Gurgaon vide his reports dated 3.6.2015 has reported that parties got their statements recorded on 2.6.2015 to the effect of having entered into a settlement out of their complete volition and free will. The learned JMIC has further opined that the parties got recorded their statements voluntarily and without any fear, coercion or pressure and that the compromise between the parties is valid.

Hon'ble Supreme Court in (2003)4 SCC 675 **B.S. Joshi & Others Vs. State of Haryana & 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 also 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 extracts read 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) S.C. 192 **Nikhil Merchant Vs. Central Bureau of Investigation & 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 legal 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, both the petitions stand allowed and FIR No.221 dated 23.5.2014 for the offences under Sections 354A/506/509 IPC against Wasim Akram (petitioner in CRM-M 14391/2015) at PS Susant Lok, Gurgaon; and FIR No.223 dated 23.5.2014, PS Susant Lok, Gurgaon against Anshu Pawar (petitioner in CRM-M 12597/2015) for the offences under Sections 323, 506, 504, 341, 147, 149 IPC. IPC

CRM-M 12597/2015 and
CRM-M 14391/2015

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alongwith all consequential proceedings arising from two aforesaid
FIRs stand quashed.

Disposed of in the above terms.

A copy of this order be placed on the file of connected
CRM-M 14391/2015.

19.08.2015.
joshi

(Jaswant Singh)
Judge