

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

***CRM No.M-34365 of 2014 (O&M)
Date of decision: 05.05.2015***

Raj Kumar & others

... Petitioners

Versus

State of Haryana & another

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Nipun Vashisht, Advocate for the petitioners.

Mr. Arun Kumar, AAG, Haryana.

Mr. Sonu Giri, Advocate for respondent No.2.

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TEJINDER SINGH DHINDSA, J. (ORAL).

The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.396 dated 30.05.2014 under Sections 386/420/467/468/471/506/120-B IPC, registered at Police Station Sadar Gurgaon, District Gurgaon.

Since quashing was sought on the basis of compromise, this Court while issuing notice of motion on 25.11.2014, had directed the parties to appear before the Illaqa Magistrate concerned for recording of their statements and a report as regards veracity of the compromise was called for.

Placed on record is a report dated 24.04.2015 of the Additional Chief Judicial Magistrate, Gurgaon and a perusal of the same would reveal that the statements of the complainant-Raghbar Dayal alias Raghubar Dayal (respondent No.2 herein) as also accused (petitioners herein) have been duly recorded and it has been opined that compromise that has been entered into between the parties is without any pressure or coercion. In the report it has

been submitted that the complainant has also stated that in view of the compromise even the civil suit that had been filed has since been withdrawn.

Counsel appearing for the complainant/respondent No.2 also submits in Court today that he would have no objection to the FIR being quashed on the basis of compromise.

A Full Bench of this Court in ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*** has taken a view that in appropriate cases this Court in exercise of its powers under Section 482 Cr.P.C. can intervene and bring to an end the criminal prosecution in the light of compromise that may have been effected between the parties, even in relation to non compoundable offences.

Adverting back to the facts of the present case, the parties have amicably resolved the dispute.

In the light of the compromise having been effected between the parties, it would be a futile exercise for the criminal proceedings to continue as such. It would be construed as an abuse of the process of law as also of the Court.

For the reasons recorded above, the present petition is allowed. FIR No.396 dated 30.05.2014 under Sections 386/420/467/468/471/506/120-B IPC, registered at Police Station Sadar Gurgaon, District Gurgaon and all proceedings emanating therefrom qua the present petitioners stand quashed.

Petition allowed in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

05.05.2015