

CRM-M-36526-2014

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

CRM-M-36526-2014
Date of decision: 28.05.2015

Kamal

....Petitioner(s)

Versus

State of Haryana and another

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. D.K.Tuteja, Advocate,
for the petitioner.

Mr. Anil Mehta, DAG, Haryana.

PARAMJEET SINGH, J. (ORAL)

Reply filed on behalf of respondent No.1 in Court today is
taken on record.

This petition has been moved by the petitioner under
Section 482 of the Code of Criminal Procedure, seeking quashing of case
FIR No.33 dated 23.01.2013, registered at Police Station Rohtak Civil
Lines, under Section 354 of the Indian Penal Code, on the basis of
compromise (Annexures P-2 and P-3), alongwith all the subsequent
proceedings arising therefrom.

Vide order dated 27.11.2014 passed by a Coordinate Bench
of this Court, parties were directed to appear before trial Court on

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15.12.2014 to get their statements recorded with regard to compromise and the trial Court was directed to send the report.

In compliance of order dated 27.11.2014, learned trial Court has submitted its report vide letter dated 15.12.2014 which indicates that parties appeared before it and got recorded their respective statements with regard to validity of compromise. As per the report, compromise arrived at between the parties is genuine and without any pressure or coercion from any corner. Learned counsel for the parties state that now, no dispute survives between the parties.

Consequently, in view of compromise (Annexures P-2 and P-3) and keeping in view the law laid down by the Hon'ble Apex Court in the case of *Madan Mohan Abbot vs. State of Punjab, 2008(2) RCR (Criminal) 429*, *Gian Singh vs. State of Punjab and another, 2012(4) R.C.R.(Criminal) 543*, *Narinder Singh and others vs. State of Punjab and another, 2014(2) R.C.R.(Criminal) 482* and Full Bench judgment of this Court in the case of *Kulwinder Singh and others vs. State of Punjab and another, 2007(3) RCR (Crl.) 1052*, no useful purpose would be served in prolonging the litigation, especially when this case does not fall within the category of exceptional cases where this Court should not exercise its inherent jurisdictional power to quash the criminal proceedings, as held in **Gian Singh (supra)** and **Narinder Singh and others (supra)**. In the facts and circumstances of this case, it would be unfair or contrary to the interest of justice to continue with the criminal

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proceedings or continuation of the criminal proceedings would amount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and to secure the ends of justice, therefore, it is appropriate that criminal case is put to an end.

The present petition is allowed. FIR No.33 dated 23.01.2013, registered at Police Station Rohtak Civil Lines, under Section 354 of the Indian Penal Code, is hereby quashed, on the basis of compromise (Annexures P-2 and P-3), and all the criminal proceedings arising out of the said FIR also stand quashed.

It is, however, made clear that if the proceedings already stand concluded and conviction recorded in the present case, this order shall be treated non est and, thus, will have no bearing on the conviction and sentence order.

28.05.2015
parveen kumar

(PARAMJEET SINGH)
JUDGE