

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

Date of decision:30.09.2015.

(1) CRM-M 371/2015

Nawaj Deen and others

.....Petitioners

v.

State of Haryana and others

.....Respondents

(2) CRM-M 17279/2015

Ali Nawaz and others

.....Petitioners

v.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- None for petitioners in CRM-M no.371 of 2015 and
respondents 2 to 4 in CRM-M 17279/2015.

Mr.RK Doon,AAG Haryana for respondent State

Mr.Rahul Vats,Advocate for
Mr.Tarun Gupta,Advocate for petitioners in
CRM-M 17279/2015 and
respondents 2 to 4 in CRM-M 371/2015

Jaswant Singh,J.(Oral)

This petition shall dispose of aforesaid two petitions as
both have been filed for quashing of FIR No.95 dated 13.7.2014 under
Sections 323,307,506,34 IPC,PS Raipur Rani,Distt.Panchkula and its

cross version recorded in the said FIR under Sections 323,506,325 IPC on the basis of compromise dated 15.12.2014 arrived at between the parties alongwith all consequential proceedings arising out of said FIR and cross version.

Vide order dated 20.8.2015 the parties were directed to appear before the trial court to get their statements recorded with regard to compromise. The learned trial court was also directed to report regarding validity and genuineness of the compromise effected between the parties.

In compliance of the aforesaid order, learned JMIC, Panchkula vide her report dated 9.9.2015, which is taken on record as Mark-A, has reported that parties got recorded their statements with regard to compromise between them and that the statements were made voluntarily.

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.”

In the present case, it is apparent that both sides are residents of same village and due to a dispute a scuffle took place between them in which both sides received injuries.

Learned State counsel on instructions from ASI Krishan Lal states that challan has been presented however, charges are yet to be framed.

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 and cross version in the interest of justice.

Accordingly, the present petitions are allowed and FIR

No.95 dated 13.7.2014 under Sections 323,307,506,34 IPC,PS Raipur Rani,Distt.Panchkula and its cross version recorded in the said FIR under Sections 323,506,325 IPC on the basis of compromise dated 15.12.2014 arrived at between the parties alongwith all consequential proceedings arising out of said FIR and cross version are quashed.

A copy of this order be placed on the file of CRM-M 17279/2015.

30.09.2015.
joshi

(Jaswant Singh)
Judge