

CRM-M-39214-2014

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

CRM-M-39214-2014

Date of decision: 13.03.2015

Ram Avtar and others

....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Keshav Partap Singh, Advocate,
for the petitioners.

Mr. Rajesh Gaur, Addl. A. G. Haryana.

Mr. Abhey Partap Singh, Advocate,
for respondents no.2 and 3.

PARAMJEET SINGH, J. (ORAL)

This petition has been moved by the petitioners under Section 482 of the Code of Criminal Procedure, seeking quashing of case FIR No.187 dated 28.06.2009, registered at Police Station Sector-10, District Gurgaon, under Sections 148, 149, 323 and 452 of the Indian Penal Code, on the basis of compromise (Annexure P-2), alongwith all the subsequent proceedings arising therefrom.

Vide order dated 08.12.2014, notice of motion was issued and parties were directed to appear before trial Court to get their statements recorded with regard to compromise and trial Court was directed to send

CRM-M-39214-2014

the report.

In compliance of order dated 08.12.2014, the trial Court has submitted its report vide letter dated 30.01.2015 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. Now no dispute is pending between the parties.

Learned counsel for the parties state that the trial is still pending and till date, conviction has not been recorded by the Court.

Consequently, in view of compromise (Annexure P-2) 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

CRM-M-39214-2014

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.187 dated 28.06.2009, registered at Police Station Sector-10, District Gurgaon, under Sections 148, 149, 323 and 452 of the Indian Penal Code is hereby quashed, on the basis of compromise (Annexure P-2), 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.

13.03.2015
parveen kumar

(PARAMJEET SINGH)
JUDGE