

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1. Crl. Misc. No. M-7608-2015

Harish Sharma .. Petitioner

Vs.

State of Haryana and another .. Respondents

2. Crl.Misc.No. M-7609-2015

Som Parkash and anotherPetitioners

Vs.

State of Haryana and anotherRespondents

Date of decision:17.07.2015

Coram: Hon'ble Mr. Justice Mahesh Grover

Present: Mr.Lekh Raj Sharma, Advocate
for the petitioners in both cases.
Mr. Himmat Singh, AAG, Haryana.
Mr. Sandeep Sharma, Advocate
for respondent no.2 in both cases.

Mahesh Grover, J

Since both the abovesaid petitions are between the same parties, therefore, these are being decided by this common order.

Replies in both the petitions filed in Court today are taken on record.

In petition bearing No. CRM-M-7608-2015, the petitioner has prayed for quashing of FIR No.915 dated 21.07.2011, under Sections 323, 353 and 186 IPC along with Sections 3/4 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Panipat City, District Panipat, Haryana whereas in petition No. CRM-M-7609-2015 the petitioners have prayed for quashing of FIR No. 310 dated 04.03.2014 , registered at Police Station Panipat City, District

Panipat Haryana under Sections 193 / 195 / 203 / 211 / 228 / 384 / 385 / 389 / 420 / 426 / 467 / 468 / 469 / 471 / 500/ 506 and 120-B IPC along with Sections 3(1)(8) / 3(1)(9) / null / 3(2)(1)/ 3(2)(2)/ 3(2)(5) of SC/ST Act, 1989, alongwith all consequential proceedings. Both the parties have alleged that they have compromised the matter.

On 10.03.2015, in both the cases, this Court had directed the trial Court to record the statements of all the affected persons and further record a finding as to whether the compromise has been effected voluntarily by the parties and a report in this regard was also called for.

Those reports have since been received along with copies of the statements of the affected persons which also indicate that the matter has been resolved amicably between the parties without any pressure from any quarter.

The Hon'ble Supreme Court in **Gold Quest International Private Ltd. vs. State of Tamil Nadu and others, 2014(4) RCR (Criminal) 206** has held that the disputes which are substantially matrimonial in nature, or the civil property disputes with criminal facets, if the parties have entered into settlement, and it has become clear that there are no chances of conviction, there is no illegality in quashing the proceedings under Section 482 Cr.P.C read with Article 226 of the Constitution.

The Hon'ble Division Bench of this Court hold in **Sube Singh and another v. State of Haryana and another, 2013(4) RCR (Criminal) 102** that the High Court is vested with unparallel power to quash the criminal proceedings at any stage to secure the ends of justice.

Having regard to the aforesaid and the observations made by the Full Bench of this Court in **Kulwinder Singh v. State of Punjab** reported as 2007(3) Law Herald 2225 and of Hon'ble Supreme Court in **Gian Singh v. State of Punjab** reported as 2012(4) RCR (Criminal) 543, instant petitions are accepted. Consequently, FIR No.915 dated 21.07.2011, under Sections 323, 353 and 186 IPC along with Sections 3/4 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Panipat City, District Panipat, Haryana(as prayed in CRM-M-7608-2015) and FIR No. 310 dated 04.03.2014, registered at Police Station Panipat City, District Panipat Haryana under Sections 193 / 195 / 203 / 211 / 228 / 384 / 385 / 389 / 420 / 426 / 467 / 468 / 469 / 471 /500/ 506 and 120-B IPC along with Sections 3(1)(8) / 3(1)(9) / null / 3(2)(1)/ 3(2)(2)/ 3(2)(5) of SC/ST Act, 1989, (as prayed in CRM-M-7609-2015) alongwith all consequential proceedings arising therefrom qua the petitioners in both the cases are hereby quashed.

17.07.2015

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(Mahesh Grover)
Judge