

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

Crl. Misc. No.M-33511 of 2015

Date of Decision: 19.02.2016

Harvinder Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. L.M. Gulati, Advocate
for the petitioner.

Mr. Rupam Aggarwal, D.A.G., Punjab
for the respondent-State.

Mr. Rahul Makkar, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 482 Cr.P.C by the petitioner, namely, Harvinder Singh for quashing of FIR No.185 dated 17.08.2014 registered under Sections 354/506 IPC (Sections 354-A/354-D of the IPC added later on) at Police Station City Rajpura, District Patiala along with all consequential proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioner submits that during pendency of the proceedings, a compromise has been arrived at between the parties and complainant-respondent No.2 has specifically stated that

she has no objection in quashing of the FIR as well as other proceedings arising therefrom.

Learned counsel for respondent No.2 has also affirmed the factum of compromise arrived at between the parties.

Heard the arguments of learned counsel for the parties and have also perused the documents available on the file including the FIR and copy of statements of the parties recorded as per directions issued by this Court on 30.09.2015.

The FIR, in question, was registered on the basis of statement made by complainant-respondent No.2. However, during pendency of the proceedings, with the intervention of respectables and family members, a compromise was arrived at between the parties. Complainant-respondent No.2 has stated that the said FIR was registered due to misunderstanding with the accused-petitioner. Both the family members intervened and better sense prevailed between the parties, they have settled their dispute and now there is no ill-will between them. It was settled between the parties that the complainant-respondent No.2 will make statement before the Court in support of compromise, which has already been effected by stating that she has no objection in quashing of FIR.

Notice of motion in the case was issued on 30.09.2015 and the parties were directed to appear before the trial Court for recording of their statements with regard to compromise.

After recording the statements of the parties, a report has also been sent by the Judicial Magistrate Ist Class, Rajpura, which is on record. It has been stated in the said report that the compromise between the parties is as per their free will and without any pressure from either side. Complainant-respondent No.2-Geetanjali Arora has specifically stated in her statement that with the intervention of respectables of the village, the

dispute has been settled and she has no grudge or enmity against the accused. It has also been mentioned that she does not want to proceed any further with the FIR against the accused person and she has no objection in quashing of the FIR.

Since the dispute between the parties has been settled by way of compromise and the complainant is satisfied with the compromise and she has no objection in quashing of the FIR; no purpose would be served, in case, the proceedings are allowed to be continued and the ultimate result would be acquittal as the complainant is not going to support the case of the prosecution. The continuation of the proceedings would be an exercise in futility and will not only be the wastage of valuable time of the Court but it would also not be in the interest of both the parties. This Court has power to quash the proceedings on the basis of compromise.

A larger Bench of this Court in ***Kulwinder Singh vs State of Punjab 2007(3) RCR Criminal 1052*** has held that there is no statutory bar under the Cr.P.C which can affect the inherent power of this Court under Section 482 Cr.P.C and the same cannot be limited to matrimonial cases alone. This 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.

In various judgments of Hon'ble the Apex Court as well as of this Court, it has been held that the litigation can come to an end between the parties, in case, the object is to maintain peace and harmony in the relations.

In the present case, the compromise has been effected between the parties with their free will and without any pressure. The continuation of proceedings in future would be futile as no purpose is going to be achieved in

any manner. Complainant-respondent No.2 has also stated that the FIR, in question, was registered due to misunderstanding and the same has been sorted out.

Accordingly, the present petition is allowed and FIR No.185 dated 17.08.2014 registered under Sections 354/506 IPC (lateron Sections 354-A/354-D of the IPC have been added) at Police Station City Rajpura, District Patiala along with all consequential proceedings arising therefrom, qua petitioner Harvinder Singh are hereby quashed.

19.02.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE