

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-36025-2015

Date of Decision: February 29, 2016

Sahil Kher

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Vikas Bali, Advocate,
for the petitioner.

Mr. Sanjay Kumar Saini, AAG, Haryana,
for respondent No. 1.

Mr. Bhisham Kumar, Advocate,
for respondent Nos. 2 and 3.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J. (Oral)

The present petition under Section 482, Cr.P.C., has been filed by Sahil Kher, son of Ravichander Kher, resident of House No. 299, Sector 2, Panchkula, for quashing of FIR No. 143, dated 3.5.2015 (Annexure P-1), for the offences punishable under Sections 279, 337 and 427, IPC, registered at Police Station, Sector 5, Panchkula, and all the consequential

proceedings arising therefrom, on the basis of compromise, dated 12.9.2015 (Annexure P-2).

Vide order dated 4.12.2015, the affected parties were directed to appear before the learned Area Judicial Magistrate/Trial Court for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send a detailed report in that regard to this Court.

In compliance thereof, the affected parties did appear before learned Chief Judicial Magistrate, Panchkula, and got recorded their respective statements with regard to the compromise.

Respondent No. 2/informant, Swaran Singh, suffered the following statement:-

“ Stated that I have compromised the matter with the accused namely Sahil Kher S/o Ravi Chander Kher, R/o House No. 229, Sector 2, Panchkula, as per the compromise deed Ex. C1, out of my free will & consent and without any coercion & undue influence and the matter has been compromised with mutual consent of both the parties and the dispute has been amicably resolved between us.”

Respondent No. 3/injured, Anand Bhengra, suffered

the following statement:-

“ Stated that I have compromised the matter with the accused namely Sahil Kher S/o Ravi Chander Kher, R/o House No. 229, Sector 2, Panchkula, as per the compromise deed Ex. C1, out of my free will & consent and without any coercion & undue influence and the matter has been compromised with mutual consent of both the parties and the dispute has been amicably resolved between us.”

The petitioner also suffered his statement admitting the factum of the compromise.

The operative part of the report received from learned Court below is as under:-

“From the statement of the parties, it is very much clear that the parties have compromised the matter voluntarily, genuinely, out of their free will and without any pressure. Hence, the report.”

Learned counsel for the petitioner urged that due to intervention of the respectable and elderly people of the society, the matter has been resolved and the private parties have effected a compromise (Annexure P-2). He further submits that all the terms and conditions of the compromise have been materialized. At present, there remains no dispute amongst the

private parties. He further submits that in view of the compromise so effected between the private parties, pendency of the impugned FIR and consequential proceedings emanating therefrom would be sheer abuse of the process of law. In support of his contention, learned counsel has placed reliance on the judgment of Hon'ble the Supreme Court delivered in the case of **Gian Singh v. State of Punjab and another, 2012 (4) R.C.R. (Criminal) 543 (SC)**, and judgment of a 5-Judge Bench of this Court in the matter of **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052**.

Learned counsel for the State after going through the statements and the report received from learned Court below, very fairly admits that the private parties have resolved their dispute and effected a compromise. He further submits that he has no objection if the impugned FIR and all the consequential proceedings are quashed on the basis of the compromise.

Learned counsel for respondent Nos. 2 and 3 also toed the lines of learned counsel for the State and has no objection if the impugned FIR and all the consequential proceedings are quashed on the basis of the compromise.

After hearing learned counsel for the parties and going through the material available on record, this Court also

finds that pendency of the present criminal litigation would be abuse of process of law since the chances of conviction of the petitioner are bleak in view of the compromise so effected between the private parties.

The report alongwith statements of the affected parties received from learned Court below would reveal that respondent Nos. 2 and 3 have genuinely effected a compromise with the petitioner and they have no objection if the impugned FIR and consequential proceedings are quashed.

Keeping in view totality of the facts and circumstances of the case and taking into consideration the ratio of the judgments in the cases of **Gian Singh (supra)** and **Kulwinder Singh (supra)**, present petition is accepted and FIR No. 143, dated 3.5.2015 (Annexure P-1), for the offences punishable under Sections 279, 337 and 427, IPC, registered at Police Station, Sector 5, Panchkula, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

February 29, 2016
Pkapoor