

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

**Criminal Misc. No. M-40782 of 2015
Date of decision: 08.02.2016**

Harchandi and others

..Petitioners

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see 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. Hitesh Chauhan, Advocate
for the petitioners.

Mr. Baljinder Singh Virk, DAG, Haryana
for respondent No.1 – State.

Mr. Naresh Kumar, Advocate
for respondent No.2.

Daya Chaudhary, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.261 dated 11.08.2015 registered under Sections 354-B, 323 and 436 read with Section 34 of Indian Penal Code (for short 'IPC') at Police Station Chand Hut, District Palwal on the basis of compromise arrived at between the parties.

While issuing notice of motion on 02.12.2015, the parties were directed to appear before the Illaqa Magistrate/Duty Magistrate for recording of their statements with regard to compromise. The Illaqa Magistrate/Duty Magistrate was also directed to send the report to

show as to whether compromise arrived at between the parties is genuine and is without any pressure from either side.

In response to the said directions issued by this Court, the parties appeared before Judicial Magistrate Ist Class, Palwal and their statements were recorded. After recording of their statements, a report along with the statements of the parties has been sent, which is on record wherein the factum of compromise has been affirmed. It has also been mentioned in the report that the compromise arrived at between the parties is voluntarily and is without any pressure and threat. Complainant-respondent No.2 Pooja has specifically stated in her statement that she has no objection in quashing of the FIR and other proceedings. Complainant has also stated that she does not want to proceed further against the accused. The compromise was arrived at between the parties with the intervention of respectables of the village as both the parties are residents of the same village. It has also been mentioned in the statements that both the parties want to lead a peaceful life.

As per ratio of judgment of Five Judges' Bench of our own High Court in **Kulwinder Singh and others vs. State of Punjab and others, 2007(3) RCR (Criminal) 1052**, this Court has wide power to quash the criminal proceedings even in non-compoundable offences, notwithstanding the bar under Section 320 of the Criminal Procedure Code in order to prevent abuse of the process of law or to secure the ends of justice.

In the present case also, the dispute between the parties has been settled by way of compromise and complainant has no objection in quashing of the FIR and other proceedings. No purpose would be served in case proceedings are continued in future as it would amount to wastage of precious time of the Court. Moreover, it would not be in the interest of the parties as the complainant is not going to support the case of the prosecution.

Accordingly, by exercising powers provided under Section 482 Cr.P.C and in view of the compromise arrived at between the parties, the present petition is allowed and the impugned criminal proceedings arising out of FIR No.261 dated 11.08.2015 registered under Sections 354-B, 323 and 436 read with Section 34 IPC at Police Station Chand Hut, District Palwal as well as all subsequent proceedings arising therefrom qua petitioners, namely, Harchandi, Tej Singh, Lekhi, Rahul, Bhup Singh and Rohit, are hereby quashed.

08.02.2016
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(DAYA CHAUDHARY)
JUDGE