

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

CRM-M-42516 of 2015.
Decided on:-09.12.2016.

Ravinder Kumar.

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Vivek Sharma, Advocate for
Mr. Kiran Kumar, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.286 dated 05.06.2011 under Sections 332, 353, 323, 186 and 506 read with Section 34 IPC registered at Police Station Ambala Cantt., District Ambala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 07.12.2015 (Annexure P-2) effected between the parties.

This Court vide order dated December 17, 2015 had directed the parties to appear before the appellate Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties.

Pursuant to the aforesaid order, the parties have appeared before learned Additional Sessions Judge, Ambala and got their statements

recorded. On the basis of the statements so recorded by the parties, the appellate Court has submitted its report dated 11.02.2016 to the effect that the compromise in question is genuine, valid, without any coercion and undue influence.

The factum of compromise between the parties has not been disputed by learned State counsel.

I have heard learned counsel for the parties.

Perusal of the report submitted by learned appellate Court reveals that statement of respondent No.2-complainant Vijender Singh has been recorded by learned Additional Sessions Judge on 09.02.2016. Said statement of respondent No.2-complainant, who is author of the FIR in question, made before the appellate Court is being reproduced as under:

“Stated that due to the intervention of the respectables of the society matter has been compromised with the appellant. I do not want any action in the case against the appellant. To keep peace and harmony for the time to come no action may kindly be taken against the appellant. No other criminal case is pending against either of the parties. Proceedings against the appellant may kindly be dropped. I made this statement without any pressure or coercion. The copy of the compromise is Ex.C1. I do not have any objection if the Hon'ble High Court allows the petition under Section 482 Cr.PC of the appellant Ravinder Kumar. The compromise Ex.C1 is executed without any pressure or coercion in any manner.”

Hon'ble Division Bench of this Court in **CRM-M-31765 of 2012** titled as **Vinod @ Boda and others Versus State of Haryana and**

another has observed as under:

“The refusal to invoke power under Section 320 CrPC, however, does not debar the High Court from resorting to its inherent power under Section 482 Cr.P.C and pass an appropriate order so as to secure the ends of justice.

The doubt has been expressed by the learned Single Judge whether in exercise of inherent power under Section 482 CrPC criminal proceedings on the basis of compromise entered between the parties where the offence is against the public servant can be quashed or not by the High Court is the issue before us.

The magnitude of inherent jurisdiction exercisable by the High Court with a view to prevent the abuse of law or to secure the ends of justice, is wide enough to include its power to quash the proceedings in relation to the non-compoundable offences including the ones involved in the present case notwithstanding the bar under Section 320 CrPC. Such a power, in our considered view, is exercisable by the High Court in all those circumstances where the conclusion of trial would ultimately result into futility.

In the present case, merely because the complainant was working as a teacher and injuries were caused to him while he was on duty at School, learned Single Judge has treated it to be a case of an offence against the `society' observing that public servant has been prohibited from performing his duties, the proceedings cannot be quashed. Whereas, in the facts and circumstances of the case, the dispute was prima facie between the parties in their individual and private capacity. Therefore, even on merit, the present is a fit case where the ends of justice

demand quashing of proceedings as the dispute has been settled amicably and this would bring harmony between the parties.

Moreover, in this case, the parties have already appeared before the Trial Court and the Trial Court has authenticated the compromise on the basis of the statements of the parties made before it.

For the reasons stated above, it is held that in view of settled law, as discussed above, the powers of High Court under Section 482 CrPC are wide enough, though to be exercised sparingly and judiciously, and this Court can quash criminal proceedings in the peculiar facts of the case even where offence is against public servant.

Consequently, in the facts and circumstances of this case and for the reasons aforesaid, we allow this petition. FIR No. 13, dated 13.10.2010, under Sections 148, 149, 332, 353, 186, 506 of the Indian Penal Code, registered at Police Station Titram, District Kaithal, and all the criminal proceedings arising out of the said FIR stand quashed.”

This Court in the case of ***Sube Singh and another Versus State of Haryana and another 2013(4) RCR (Criminal) 102*** has considered the compounding of offences at the appellate stage and has observed that even when appeal against the conviction is pending before the Sessions Court and parties entered into a compromise, the High Court is vested unparallel power under Section 482 Cr.PC to quash criminal proceedings at any stage so as to secure the ends of justice.

In view of the above, no useful purpose would be served to

continue with the proceedings before the trial Court in the instant F.I.R.

Thus, in view of the observations made by this Court in ***Vinod @ Boda and others's case (supra)*** and ***Sube Singh's case (supra)*** as well as following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303***, this petition is allowed and FIR No.286 dated 05.06.2011 under Sections 332, 353, 323, 186 and 506 read with Section 34 IPC registered at Police Station Ambala Cantt., District Ambala (Annexure P-1) and all consequential proceedings arising therefrom are quashed on the basis of compromise dated 07.12.2015 (Annexure P-2) effected between the parties.

Resultantly, the impugned judgment of conviction dated 20.05.2015 and order of sentence dated 25.05.2015 passed by learned Judicial Magistrate 1st Class, Ambala in the aforementioned FIR are set aside. The appeal preferred by the petitioner against the said judgment and order is rendered infructuous and shall be declared so by the appellate Court.

December 09, 2016

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No