

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

CRM-M-20192 of 2017

Date of Decision: August 17, 2017

Sonny Jowel and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM:HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr.Amit Jain, Advocate
for the petitioners.

Mr. Naveen Kaushik, Additional Advocate
General, Haryana.

Mr.Vivek Goyal,Advocate for respondents No.2 and 3

ARVIND SINGH SANGWAN, J.

Petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No. 0003 dated 4.1.2017 under Sections 323/506 (325 added lateron) read with Section 34 of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Sector 40, Gurgaon, District Gurgaon (Annexure P1) and all consequential proceedings arising therefrom, on the basis of compromise/affidavits dated 26.5.2017 (Annexure P2) .

Vide order dated 1.6.2017, a direction was given to the

Illaq Magistrate/trial Court to record the statements of the parties and submit a report regarding the genuineness of the compromise effected between the parties.

In pursuance thereof, the trial Court has submitted a report dated 1.8.2017, after recording the statements of the parties, that the complainants-Gaurav Garg and injured- Vivek Mittal and accused- Sonny Jowel and Mohit have appeared along with their respective counsel, who had identified them and got their statement recorded acknowledging that the compromise had been effected voluntarily, without any coercion or any undue influence .

Learned counsel for the petitioner has submitted that the offence under Section 325 is not made out as injury though reported as grievous but the same is not dangerous to life.

Perusal of allegations in the FIR reveals that the present case squarely falls in the category of cases that can be quashed by the High Court, in exercise of its inherent power under Section 482 of the Code. Keeping in view authoritative enunciation of law laid down by Hon'ble the Supreme Court of India in “**Gian Singh vs State of Punjab and another**”, 2012(4) R.C.R. (Criminal) 543 and in the light of facts and circumstances of the present case, this Court is of the considered opinion that continuation of criminal proceedings would amount to abuse of process of law and it is expedient in the interest of justice that criminal proceedings are put to an end.

As per the Full Bench judgement of this Court in

Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR

(Criminal) 1052, High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court felt that the same was required to prevent the abuse of the process of any Court or to otherwise secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Since the parties have arrived at a compromise and have decided to live in peace, no useful purpose would be served in allowing the criminal proceedings to continue.

Accordingly, this petition is allowed. FIR No. 0003 dated 4.1.2017 under Sections 323/506 (325 added later on) read with Section 34 IPC, registered at Police Station Sector 40, Gurgaon, District Gurgaon (Annexure P1) and all the consequential proceedings, arising therefrom, are ordered to be quashed qua the petitioners .

(ARVIND SINGH SANGWAN)
JUDGE

August 17, 2017
arya

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No