

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

CRM-M-26743 of 2017

Date of Decision: August 16, 2017

Dr.Shivajirao Zombade and others

...Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM:HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr.G.S.Gopera, Advocate
for the petitioners.

Mr.Arun Kumar, Assistant
Advocate General,Haryana

Mr.V.K.Sachdevaa,Advocate for respondent No.2

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.134 dated 10.2.2011, under Section 420 of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Karnal City, District Karnal (Annexure P1), and all consequential proceedings arising therefrom on the basis of compromise dated 11.5.2017 (Annexure P2).

Vide order dated 26.7.2017 this Court has directed the trial Court to record the statements of the parties and submit a report regarding its satisfaction on the compromise and whether all the accused are

appearing before the Court and whether any of the accused is declared proclaimed offender.

In pursuance thereof, the trial Court has submitted a report dated 8.8.2017, after recording the statements of the parties, that the complainant-Jagdeep Singh, and accused- Dr.Shivajirao Zombade,Smt. Vijay Zombade and Ujwal Zombade 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. It has further been submitted by the trial Court that none of the accused is proclaimed offender.

Learned counsel for the petitioners has produced on record a copy of order passed in CRM-M-23755-2017 by the Co-ordinate Bench of this Court dated 10.7.2017 whereby FIR No. 122 dated 15.2.2013 registered under Sections 66(1) IT Act 2000; 12/13 of Press and Registration of Books Act, 1867 and 500/120-B IPC at Police Station Karnal Civil Lines,District Karnal has also been quashed in view of compromise/settlement dated 11.5.2017 (Annexure P2) and a perusal of the same shows that in pursuance of the compromise, some of the FIRs have been quashed.

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 judgment 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.134 dated 10.2.2011, under Section 420 of the 'IPC' , registered at Police Station Karnal City, District Karnal (Annexure P1) and all the consequential proceedings, arising therefrom, are ordered to be quashed qua the petitioners.

(ARVIND SINGH SANGWAN)
JUDGE

August 16, 2017
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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No