

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

CRM-M-29282 of 2017

Date of Decision: September 13, 2017

Anil Kumar and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM:HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:Mr. Jitender Kumar, Advocate

for the petitioners.

Mr. Naveen Kaushik, Additional Advocate

General, Haryana

Mr.Angrej Kumar, 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. 57 dated 2.2.2014, under Sections 341,382,323, and 506 read with Section 34 of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Cantt Dharu Hera, District Rewari (Annexure P1) and all consequential proceedings arising therefrom, on the basis of compromise/affidavit dated 25.7.2017 .

Vide order dated 10.8.2017, a direction was given to the 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 28.8.2017(forwarded by the District and Sessions Judge, Rewari on 29.8.2017), after recording the statements of the parties, that the complainant and all the accused have appeared along with their respective counsel, who had identified them and got their statements recorded acknowledging that the compromise had been effected voluntarily, without any coercion or any undue influence.

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. However, keeping in view the fact that some of the prosecution witnesses are already examined, petitioners are liable to deposit the costs of proceedings in the sum of ₹5000/- .

Accordingly, this petition is allowed. FIR No. 57 dated 2.2.2014, under Sections 341,382,323, and 506 read with Section 34 IPC, registered at Police Station Cantt Dharu Hera, District Rewari (Annexure P1) and all the consequential proceedings, arising therefrom, are ordered to be quashed subject to their depositing of costs in the sum of ₹ 5000/- with the District Legal Services Authority, Rewari within eight weeks from today, failing which this order shall stand recalled automatically without reference to the Court..

(ARVIND SINGH SANGWAN)
JUDGE

September 13, 2017
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Whether speaking/reasoned: Yes
Whether Reportable : Yes/No