

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Date of Decision: 11.10.2017

CRM-M -37676-2016

Sahil Bhalla

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CRM-M -35812-2017

Ashutosh Pandit and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

Coram: Hon'ble Mr. Justice Arvind Singh Sangwan

Present: Mr.Karan Vir Nanda,Advocate
for the petitioners
Mr.Naveen Kaushik, Additional Advocate General,
Haryana
Mr.Ajay Aggarwal,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. 275 dated 14.10.2015 under Section 285,336 (Section 307 deleted later on) of the Indian Penal Code, 1860 ('IPC' for short) and Section 25 of the Arms Act,1959 ('the Act' for short) registered at Police Station Chandimandir, District Panchkula (Annexure P1) and all consequential proceedings arising therefrom, on the basis of compromise dated 16.9.2017 (Annexure P2).

Vide orders dated 21.10.2016 (in CRM-M-37676-2016) and

dated 25.9.2017 (in CRM-M No.35812 of 2017), a direction was given to the Trial Court/Illaq Magistrate to record the statements of the parties and submit a report regarding the genuineness of the compromise effected between the parties viz-a-viz number of accused involved in this case and whether any of the accused has been declared proclaimed offender.

In pursuance to the said order, the trial Court, after recording the statements of the parties, has reported, on 15.11.2016 (forwarded by the District and Sessions Judge, Panchkula in CRM-M-37676-2016) and on 6.10.2017 (forwarded by the District & Sessions Judge Panchkula on 7.10.2017 in CRM-M-35812-2017), that the complainant-Randeep Singh and accused-petitioners-Ashutosh Pandit, Hartejvir Singh @ Sethi and Gagandeep Sharma and Sahil Bhalla 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 is further submitted that there are four accused and none of the accused-petitioners are declared proclaimed offender.

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.

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.

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, both the aforementioned petitions are allowed. FIR No. 275 dated 14.10.2015 under Section 285, 336 (Section 307 deleted later on) IPC and Section 25 of Act, registered at Police Station Chandimandir, District Panchkula (Annexure P1) and all the consequential proceedings, arising therefrom, are ordered to be quashed.

(ARVIND SINGH SANGWAN)
JUDGE

October 11, 2017
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Whether speaking/reasoned: Yes
Whether Reportable: Yes/No