

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

CRM-M-40668 of 2016

Date of Decision: August 24, 2017

Deepak @ Danny

.....Petitioner

Versus

State of U.T. and another

.....Respondents

CORAM:HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. J.S.Thakur, Advocate
for the petitioner.
Mr.Gauttam Dutt, Advocate for UT Chandigarh.
Mr.Ketan Antil,Advocate for respondent No.2.

ARVIND SINGH SANGWAN, J.

Petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.478 dated 24.11.2015, under Sections 380, 457, 411 of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Sector 39, Chandigarh (Annexure P1) and all consequential proceedings arising therefrom, on the basis of compromise dated 1.8.2016 (Annexure P2) .

While allowing this petition, it has come to the notice of the Court that name of Narinder Singh, son of Ajay Pal, has been mentioned as respondent No.2-complainant instead of Naresh Kumar son of Ajay Pal.

On the asking of the Court, learned counsel has filed amended memo of

parties mentioning name of respondent No.2 as Naresh Kumar and the same is taken on record.

Vide order dated 20.3.2017, 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 and also to intimate whether any other person involved in the occurrence, who is not a party to the present petition

In pursuance thereof, the trial Court has submitted a report dated 25.4.2017, after recording the statements of the parties, that the complainant- Naresh Kumar and accused- Deepak have appeared on 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. This fact is not disputed by learned State Counsel, who has submitted, on instructions from Sub Inspector-Gurdev Singh, that the petitioners are not the proclaimed offenders.

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. 478 dated 24.11.2015, under Sections 380, 457, 411 IPC, registered at Police Station Sector 39, Chandigarh (Annexure P1) and all the consequential proceedings, arising therefrom, are ordered to be quashed .

(ARVIND SINGH SANGWAN)
JUDGE

August 24, 2017
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Whether speaking/reasoned: Yes

Whether Reportable: Yes