

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46241 of 2016

Date of Decision: July 31, 2017

Dr.Hitesh Sahu

...Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM:HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr.Vishal Malik,Advocate for
Mr. Anshumaan Dalal, Advocate
for the petitioner.

Mr. Naveen Kaushik, Additional
Advocate General,Haryana

Mr. I.S.Pabla,Advocate for respondents No. 2

ARVIND SINGH SANGWAN, J.

Petitioner-Hitesh Sahu has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.104 dated 6.2.2015, under Section 354 D of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Thanesar, District Kurukshetra (Annexure P1) and all consequential proceedings arising therefrom on the basis of compromise dated 2.11.2016 (Annexure P2).

Vide order dated 28.3.2017, this Court has directed the Illaqa Magistrate/trial Court to record the statements of the parties and submit a report regarding the genuineness of the compromise and whether any of the accused was declared proclaimed offender or not.

In pursuance thereof, the trial Court has submitted a report dated 19.4.2017, after recording the statements of the parties, that the complainant-Sugandha and accused- Hitesh Sahu 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. Trial Court has further reported that there is only one accused and he has never been declared as proclaimed offender. This fact is not disputed by learned State Counsel, who has submitted, on instructions from Assistant Sub Inspector-Homan Singh, that the petitioner is not the proclaimed offender.

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.

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, this petition is allowed. FIR No.104 dated 6.2.2015, under Section 354 D IPC, registered at Police Station Thanesar, District Kurukshetra and all the consequential proceedings, arising therefrom, are ordered to be quashed .

(ARVIND SINGH SANGWAN)
JUDGE

July 31, 2017
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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No