

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

CRM-M-8767 of 2017

Date of Decision: August 16, 2017

Harun and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM:HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr.Karan Singh Advocate
for the petitioners.

Mr. Arun Kumar, Deputy Advocate
General, Haryana.

Mr.Virender Soni,Advocate for respondents No.2 to 4.

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. 105 dated 11.8.2012, under Sections 323/324/341/326/506 read with Section 34 of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Chhachhrauli District Yamunanagar (Annexure P1) and all consequential proceedings arising therefrom, on the basis of compromise dated 3.3.2017 (Annexure P2) .

Vide order dated 16.3.2016, a direction was given to the Illaqa Magistrat/trial Court to record the statements of the parties and submit a

report regarding the genuineness of the compromise effected between the parties and further to intimate with regard to pendency of PO proceedings against the parties.

In pursuance thereof, the trial Court has submitted a report dated 7.4.2017, after recording the statements of the parties, that the complainants-Mustkin and other injured-Rashid and Alamdeen and accused- Dilshad, Harun and Nafisa 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 .This fact is not disputed by learned State Counsel,who has submitted, on instructions from Assistant Sub Inspector-Mohinder Singh, that the petitioners are not the proclaimed offenders.

Learned counsel for the petitioner has submitted that the injuries sustained by complainants though reported as grievous yet was not dangerous to life and, therefore, no offence under Section 326 IPC is made out and it is a case falling under Section 324 IPC only.

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. 105 dated 11.8.2012, under Sections 323/324/341/326/506 read with Section 34 of IPC, registered at Police Station Chhachhrauli District Yamunanagar (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