

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 17099 of 2018 (O&M)

Date of decision : 24.5.2018

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Rajesh Kumar and others

.....Petitioners

vs.

State of Haryana and another

.....Respondents

**Coram: Hon'ble Mr. Justice H. S. Madaan**

Present: Mr. Parveen Malik, Advocate for the petitioners.

Mr. Sulinder Kumar, AAG, Haryana.

Ms. Arti Kataria, Advocate for  
Mr. D.S. Gandhi, Advocate for respondent No.2.

...

**H. S. Madaan, J.**

Petitioners – Rajesh Kumar, Rakesh Kumar and Ram Kumar have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 325 dated 7.9.2012, for offences under Sections 148, 149, 323, 506 IPC, registered at Police Station Narnaund, District Hisar, against them, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Kuldeep Singh - arrayed as respondent No.2.

When the petition came up for hearing on 25.4.2018, notice

of motion was ordered to be issued. The respondent No. 1 - State of Haryana, through State counsel, whereas respondent No.2 through Ms. Arti Kataria, Advocate for Mr. D.S. Gandhi, Advocate, had put in appearance. Then in light of the contention that parties have since effected compromise, they were directed to put in appearance before the Illaqa Magistrate to get their statements recorded with regard to compromise and the Illaqa Magistrate was directed to send a report to this Court.

Report has been received from Judicial Magistrate Ist Class, Hansi, in terms of which complainant Kuldeep Singh and accused, namely, Rajesh Kumar, Rakesh Kumar and Ram Kumar had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, with free will, without any pressure, coercion or undue influence. There is nothing on record to doubt the genuineness of the compromise so arrived at between the parties. Alongwith the report statement of the complainant and all the accused, in original, has been annexed.

I have heard learned counsel for the petitioners, learned State counsel, besides going through the record.

The dispute between the parties has been resolved amicably, which appears to have been arrived at between them voluntarily without any threat or coercion and in terms of ratio of the authority reported as **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, where in para 28, it has been

held as under :-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “*finest hour of justice*”.”

It has been observed that High Court has power to quash prosecution in order to achieve ends of justice and to prevent abuse of process of law. Though such powers are unlimited but those are to be exercised sparingly and with utmost care and caution. Though there is no statutory bar which can effect the inherent power of High Court under Section 482 Cr.P.C.

The compromise is in interest of peace and tranquility in the society and for such like reasons this Court can quash the FIR and ancillary proceedings exercising power under Section 482 Cr.P.C, it appears to be a fit case to exercise such powers.

Accordingly, the petition is allowed and the abovesaid FIR alongwith ancillary proceedings are hereby quashed.

**24.5.2018**

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**( H.S. Madaan )  
Judge**

Whether speaking / reasoned

Yes/ No

Whether reportable

Yes/ No