

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

**CRM-M No.17382 of 2016 (O&M)
Date of Decision: 03.04.2018**

Rakesh Kumar

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Maharaj Kumar, Advocate for the petitioner.

Mr. Vikas Malik, Deputy Advocate General, Haryana
for respondent No.1/State.

Mr. Atul Yadav, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition under Section 482 Cr.P.C. has been filed praying for quashing of FIR No.643 dated 01.10.2012, under Section 384 of the Indian Penal Code, registered at Police Station Sadar, District Karnal along with all consequential proceedings on the basis of compromise dated 23.03.2016 (**Annexure P-2**) entered into between the parties.

This Court, on 06.09.2016, directed both the parties to appear before the learned Illaqa Magistrate and get recorded their statements regarding the factum of compromise.

In pursuance of the above order, statements of both the parties were recorded and a report to that effect has been submitted by learned Judicial Magistrate 1st Class, Karnal on 13.10.2016 and perusal of the same reveals that

the compromise entered into between the parties is genuine and with their free consent. Even before this Court also, there is no objection by either of the parties in case the present FIR as well as consequential proceedings are quashed and set aside.

Learned State Counsel on a pointed query has raised no objection if the FIR in question is quashed.

A co-ordinate Bench of this Court in case CRM-M No.31685 of 2008, decided on 28.01.2009, titled as “**Kulwinder Singh Sodhi and another Versus State of Punjab and another**”, quashed the FIR and all consequential proceedings arising therefrom under Sections 384 and 34, IPC while relying upon the Full Bench judgement of this Court in case titled as “**Kulwinder Singh and others v. State of Punjab and another**”, 2007(3) RCR (Criminal) 1052, wherein it has held that this Court, in appropriate cases, while exercising powers under Section 482 Cr.P.C., may quash an FIR disclosing the commission of non compoundable offences. The relevant extracts read as under:-

“ The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C., which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice. ”

Since both the parties have settled their dispute, therefore, this Court is fully convinced that the quashing of the FIR in question along with all consequential proceedings will be in the interest of the parties as well as in the interest of justice.

Consequently, the present petition is allowed and the aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioner.

Disposed off accordingly.

April 03, 2018
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
<i>Whether Reportable</i>	<i>Yes</i>