

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

Criminal Misc.No.M-28396 of 2018 (O&M)

Date of Decision : 18-12-2018

Dushyant and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Sandeep Kotla, Advocate
for the petitioners.

Mr. Brijesh Sharma, AAG, Haryana

Ms. Archana K.Bhardwaj, Advocate
for Mr. Sandeep Verma, Advocate
for respondent Nos.2 and 3.

RAJ SHEKHAR ATTRI, J. (Oral)

The petitioners have preferred the instant petition under Section 482 Cr.P.C. for quashing of case FIR No.96 dated 14.03.2014, registered under Sections 147, 148, 323, 506, IPC, at Police Station Bilaspur, District Gurgaon and the judgment of conviction dated 08.07.2016 and order of sentence dated 11.07.2016, passed by the learned Judicial Magistrate Ist Class, Gurgaon, vide which they have been convicted and sentenced to undergo rigorous imprisonment for a period of 06 months each on each count under Sections 323 and 506 IPC, and all the subsequent proceedings arising therefrom on the basis of compromise dated 01.06.2018 ((Annexure P-3).

The petitioners were convicted and sentenced vide judgment of conviction dated 08.07.2016 and order of sentence dated 11.07.2016, and the said judgment of conviction and order of sentence has been assailed by

filing an appeal. However, during the pendency of the appeal, a compromise has been effected between the parties.

It is a case of quarrel between the students of school.

This Court, while issuing notice of motion, sent the matter to the learned trial court for recording the statements of the parties regarding compromise.

After recording the statements of parties, the learned Judicial Magistrate Ist Class, Pataudi has reported that the compromise effected between the parties is genuine and is without any undue, influence or coercion.

The Hon'ble Supreme Court in **Gold Quest International Private Ltd. vs. State of Tamil Nadu and others, 2014(4) RCR (Criminal) 206** has held that the disputes which are substantially matrimonial in nature, or the civil property disputes with criminal facets, if the parties have entered into settlement, and it has become clear that there are no chances of conviction, there is no illegality in quashing the proceedings under Section 482 Cr.P.C read with Article 226 of the Constitution.

The Hon'ble Division Bench of this Court hold in **Sube Singh and another v. State of Haryana and another, 2013(4) RCR (Criminal) 102** that the High Court is vested with unparallel power to quash the criminal proceedings at any stage to secure the ends of justice.

Having regard to the aforesaid and the observations made by the Full Bench of this Court in **Kulwinder Singh v. State of Punjab reported as 2007(3) Law Herald 2225** and of Hon'ble Supreme Court in **Gian Singh**

v. State of Punjab reported as 2012(4) RCR (Criminal) 543, instant petition is accepted. Consequently, FIR No.96 dated 14.03.2014, registered under Sections 147, 148, 323, 506, IPC, at Police Station Bilaspur, District Gurgaon; the judgment of conviction dated 08.07.2016 and order of sentence dated 11.07.2016, passed by the learned Judicial Magistrate Ist Class, Gurgaon, and all the subsequent proceedings arising therefrom qua the petitioners are hereby quashed.

18-12-2018
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No