

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-43781 of 2016 (O&M)

Date of decision : 16.5.2018

...

Balraj Gupta

.....Petitioner

vs.

State of Haryana and another

.....Respondents

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

Present: Mr. A.S. Rai, Advocate for the petitioner.

Mr. Sulinder Kumar, Assistant Advocate General,
Haryana.

Mr. Ankit Gupta, Advocate for the complainant

...

H. S. Madaan, J.

Petitioner- Balraj Gupta, has brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 281 dated 16.8.2016, for offences under Sections 406/420 IPC, registered at Police Station Kundli, District Sonapat, against him, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between him and complainant Sukhbir Singh - arrayed as respondent No.2.

When the petition came up for hearing on 7.12.2016, notice

of motion was ordered to be issued. The respondent No. 1 - State of Haryana through State counsel, whereas respondent No.2 through Mr. Ankit Gupta, 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/trial Court to get their statements recorded with regard to compromise and the Illaqa Magistrate/trial Court was directed to send a report to this Court.

Report has been received from Judicial Magistrate Ist Class, Sonapat, in terms of which complainant Sukhbir Singh and accused, namely, Balraj Gupta, 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. Further complainant has stated that he has entered into compromise with accused for a sum of Rs.9,00,000/- in lieu of which the accused had handed over to him a cheque for the said amount and he has no objection if the FIR in question is quashed by this Court, subject to the clearance of said cheque. There is nothing on record to doubt the genuineness of the compromise so arrived at between the parties. It has been reported that no accused has been declared proclaimed offender in the FIR in question. Alongwith the report statement of the complainant and the accused, in original, have been annexed.

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

During the course of arguments, learned counsel for the complainant has admitted the receipt of Rs.9,00,000/- from the petitioner in terms of the compromise. Therefore, the condition imposed by the complainant in his statement that he does not oppose quashing of FIR subject to clearance of the cheque in the sum of Rs.9,00,000/- stands duly complied with.

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.

16.5.2018

chugh

(H.S. Madaan)

Judge

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No