

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Date of Decision: 12.7.2018

CRM-M-44337-2017

Rajvir and Others.....Petitioners

Versus

State of Haryana and another.....Respondents

CRM-M -44338-2017

Shripal @ Shri Thakur and Others.....Petitioners

Versus

State of Haryana and another.....Respondents

Coram: Hon'ble Mr. Justice Arvind Singh Sangwan

Present: Mr.Chiranshu Bansal,Advocate for
Mr. Rohan Sharma,Advocate for the petitioners
and for respondent No. 2 (in CRM-M-44338-2017)

Mr. Himmat Singh, Deputy Advocate General, Haryana

Mr.Abhinav Sood, Advocate for respondent No. 2
(in CRM-M-44337-2017) and for the petitioners (in CRM-M-
44338-2017)

ARVIND SINGH SANGWAN, J.

This order will dispose of above mentioned two petitions i.e. CRM-
M-44337-2017 and CRM-M-44338-2017.

In both the petitions filed under Section 482 of the Code of Criminal Procedure, 1973, petitioners are seeking quashing of FIR No. 515 dated 12.9.2017 under Sections 323, 285, 506 read with Section 34 of the Indian Penal Code, 1860 ('IPC' for short) and Section 25 of the Arms Act, 1959 ('the Act' for short) and FIR No. 514 dated 11.9.2017 under Sections 148, 149, 285, 452 IPC and Section 25 of the Act registered at Police Station City Palwal, District Palwal, and all consequential proceedings arising therefrom, on the basis of compromise dated 10.11.2017 (Annexure P2).

Vide order dated 22.11.2017, a direction was given to the Illaqa Magistrate/trial Court to record the statements of the parties and submit a report regarding the genuineness of the compromise effected between the parties .

In pursuance thereof, the trial Court has submitted reports in both the cases dated 7.12.2017, (forwarded by the District and Sessions Judge, Palwal dated 8.12.2017) after recording the statements of the parties. The trial Court has submitted that the complainants-respondents and accused in respective cases have appeared along with their respective counsel, who had identified them and got their statements recorded acknowledging that the compromise had been effected voluntarily, without any coercion or any undue influence. This fact is not disputed by the learned State Counsel, on instructions from Assistant Sub Inspectors-Devender and Inderraj, that none of the petitioners is declared as proclaimed offender.

Learned counsel for the petitioners has submitted that the

parties are neighbourers.

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.

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.

Accordingly, both these petitions are allowed. FIR No. 515 dated 12.9.2017 under Sections 323, 285 506 read with Section 34 of IPC and Section 25 of the Act and FIR No. 514 dated 11.9.2017 under Sections 148, 149, 285, 452 IPC and Section 25 of the Act registered at Police Station City Palwal, District Palwal, and all consequential proceedings arising therefrom, are ordered to be quashed by way of compromise subject to payment of costs of ₹ 3,000/- each in the Office

of District Legal Services Authority, Palwal within 8 weeks from today, failing which this order shall stand recalled automatically without reference to the Court.

(ARVIND SINGH SANGWAN)
JUDGE

July 12, 2018
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No