IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-8620-2018
Decided on: 24.04.2018

Anil and others **.... Petitioners**

Versus

State of Haryana and another **..... Respondents**

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr. Barjinder Singh, Advocate, for
Mr. Ashish Gupta, Advocate,
for the petitioners.

Mr. Sulinder Kumar, AAG, Haryana.

Mr. Chetan Kapoor, Advocate,
for Mr. Arjun Atri, Advocate,
for respondent No.2.

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H.S. MADAAN, J (ORAL)

Petitioners- Anil and others have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 709 dated 06.11.2014, for offences under Sections 323, 324, 452, 34 and 326 IPC, registered at Police Station Sector 10, Gurgaon, District Gurgaon, against them alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Shashi Bhan - arrayed as respondent No.2.

When the petition came up for hearing on 28.02.2018, notice of motion was ordered to be issued for today. Mr. Arjun Atri, Advocate, had put in appearance on behalf of respondent No.2. Then in light of the contention that parties have since effected compromise, they were directed to put in appearance before the trial Court to get their statements recorded

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with regard to compromise and the trial Court was directed to send a report to this Court.

Report has been received from Judicial Magistrate 1st Class, Gurugram, through District and Sessions Judge, Gurugram, in terms of which complainant Shashi Bhan and accused namely, Anil, Devender, Shyam Devi and Lajwanti 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 no objection if the FIR in question is quashed by this Court. 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 all the accused, in original, have been annexed.

I have heard learned counsel for the petitioners and 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

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> 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.

(H.S. MADAAN)
JUDGE

24.04.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No

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