

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

CRM-M-15378-2019 (O&M)

Date of decision : 27.05.2019

Santosh @ Sito and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Aditya Sanghi, Advocate for the petitioners.

Mr. Kuldeep Tiwari, DAG, Haryana

Mr. Lokesh Sharma, Advocate for respondent Nos.2 to 4.

ANIL KSHETARPAL, J. (ORAL)

The petitioners have approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') invoking its inherent jurisdiction for quashing of FIR No.92 dated 20.04.2012 registered under Sections 148/149/323/324/506 of the Indian Penal Code ('IPC' for short) and Section 25 of Arms Act 54 of 1959, at Police Station Sadar Tohana, District Fatehabad and the consequential proceedings arising therefrom.

Notice of motion was issued.

In compliance of the order dated 03.04.2019 passed by this Court, the parties got their statements recorded before the learned trial court.

Consequently, a report dated 24.04.2019 along with copy of compromise

sent by the learned Additional District and Sessions Judge, Fatehabad has been received which is available on record of the case along with the statements of the parties. Learned Additional District and Sessions Judge has reported that the parties have made their statements voluntarily and without any pressure. The compromise arrived at between the parties has been found to be a genuine one.

After hearing the learned counsel for the parties and after going through the record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at an out of Court settlement by way of compromise. The compromise is without any pressure and a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

For the aforesaid view, this Court finds support from **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, approved by Hon'ble Apex Court in **Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303**,

A Division Bench of this Court in the case of **Sube Singh and another Vs. State of Haryana and another, 2013(4) RCR (Criminal), 102**, has examined in detail the desirability of the Court to permit compounding of offences which are not otherwise compoundable under Section 320 of the Code of Criminal Procedure by the High Court in exercise of powers under Section 484 of the Code of Criminal Procedure. After examining various judgments passed by the Courts, the Division Bench held as under:-

“17. The magnitude of inherent jurisdiction exercisable by the High Court under Section 482 Criminal Procedure Code with a view to prevent the abuse of law or to secure the ends of justice, however, is wide enough to include its power to quash the proceedings in relation to not only the non-compoundable offences notwithstanding the bar under Section 320 Criminal Procedure Code but such a power, in our considered view, is exercisable at any stage save that there is no express bar and invoking of such power is fully justified on facts and circumstances of the case.”

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.92 dated 20.04.2012 registered under Sections 148/149/323/324/506 of the Indian Penal Code ('IPC' for short) and Section 25 of Arms Act 54 of 1959, at Police Station Sadar Tohana, District Fatehabad and the consequential proceedings arising therefrom are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

27.05.2019

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No