

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

CRM-M No. 997 of 2017

DATE OF DECISION :- January 30, 2020

Jinda Hassan and another

...Petitioners

Versus

State of Haryana and others

...Respondents

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

Present:- Mr. Sajjan Batra, Advocate
for Mr. Rahul Jaswal, Advocate for the petitioners.

Ms. Harpreet Kaur, AAG, Haryana.

H.S. MADAAN, J. (Oral)

Petitioners – Jinda Hassan and Alam Deen have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 271 dated 7.7.2016, for offences under Sections 406/420/467/468/471/120-B IPC, registered at Police Station Ganaur, District Sonipat, against them, along with consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Satpal- arrayed as respondent No.2.

When the petition came up for hearing on 16.1.2017, notice of motion was ordered to be issued. Thereafter respondent No. 1 - State of Haryana through State counsel, whereas respondents No.2 and 3 through

Mr. Vishal Satija, Advocate had put in appearance on 6.2.2018. Then in

light of the contention that parties have since effected compromise, they were directed to put in appearance before the trial Court/Area Judicial Magistrate to get their statements recorded with regard to compromise and was directed to send a report to this Court.

Report has been received from Sub Divisional Judicial Magistrate, Ganaur, in terms of which complainant/respondent No. 2 Satpal, respondent No. 3 Sandeep, Anil son of Surajbhan and accused, namely, Jinda Hassan, Dr. Harun, Alamdin, Santosh, Subhash, Naresh, Islam and Satbir had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, without any fear and inducement. Further, the 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. Along with the report statement of the complainant and all the accused, have been annexed.

I have heard learned counsel for the parties 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 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 above said FIR along with ancillary proceedings are hereby quashed.

(H.S. MADAAN)
JUDGE

January 30, 2020

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Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No