

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

Sr. No.209

**CRM-M-27488-2020
Date of Decision: 29.10.2020**

SIDHANT AND OTHERS

...Petitioners

VERSUS

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Deepak Girotra, Advocate,
for the petitioners.

Mr. Sandeep Chopra, Advocate,
for the complainant-respondent No.2.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

The petitioners have invoked inherent jurisdiction of this Court by way of filing petition under Section 482 Cr.P.C., thereby making prayer for quashing of FIR No. 605 dated 24.09.2017, under sections 323, 498-A, 406 and 506 IPC (Section 406 added later on), registered at Police Station City Bahadurgarh, Jhajjar, and all the consequential proceedings arising therefrom, on the basis of compromise.

On 11.09.2020, notice of motion was issued and parties were directed to appear before the Illaqa Magistrate/trial Court and get their statements recorded with regard to arrival of compromise between them. The Trial Court was directed to record the statements of all the concerned and send the report regarding genuineness of the compromise.

It is contended that the petition under Section 13-B filed in pursuance of the arrival of compromise between the parties, has been allowed by the concerned court on 25.09.2020.

In compliance of the order dated 11.09.2020, learned NPO/Judicial Magistrate 1st Class, Bahadurgarh, has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“ XXX XXXX

5. *So, in view of the aforesaid facts, I am of the considered view that the compromise effected between the parties is without any threat or pressure from either of the sides and is a valid compromise.*

6. *Information has also been sought whether any accused is proclaimed offender and has been convicted/involved in any other case. In this regard, it is submitted that as per report called from SHO concerned, none of the accused is proclaimed offender and is not convicted or involved in any other case. Further, it was also sought that how many persons were arrayed as accused in this FIR. In this regard, it is submitted that total 4 persons were arrayed as accused, out of whom accused Samridhi was found innocent during investigation and was kept in column No.2.”*

After hearing the learned counsel for the parties and also 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 settlement, out of the Court, by way of compromise. The compromise, so reached between the parties is voluntarily made without any pressure or undue influence on the minds of any of the parties.

In view of the same, the continuation of the criminal proceedings would be futile exercise resulting in sheer abuse of the process of law.

To so conclude, reliance is placed upon “*Kulwinder Singh and others Vs. State of Punjab and another*”, 2007(3) RCR (Criminal) 1052, upheld by Hon'ble Apex Court in “*Gian Singh Vs. State of Punjab and others*”, (2012) 10 SCC 303.

Considering the aforesaid fact situation of the case, coupled with the reasons aforementioned and to secure the ends of justice, FIR No. 605 dated 24.09.2017, under sections 323, 498-A, 406 and 506 IPC (Section 406 added later on), registered at Police Station City Bahadurgarh, Jhajjar, and all the consequential proceedings arising therefrom, are ordered to be quashed.

Accordingly, the present petition stands allowed.

(ARCHANA PURI)
JUDGE

29.10.2020
Himanshu

Whether speaking/reasoned

Yes

Whether reportable

No