

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

CRM-M-37210-2019 (O&M)

Date of decision: 15.1.2020

Keshav Kumar Rukhaya

...Petitioner

Versus

The State of Haryana and another

...Respondents

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

Present: Mr.Ashwani Verma, Advocate
for the petitioner.

Ms.Dimple Jain, AAG, Haryana.

Mr.Ajay Inder Singh Dhillon, Advocate
for respondent No.2.

H.S. MADAAN, J. (ORAL)

Petitioner – Keshav Kumar Rukhaya has brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 412 dated 4.8.2019 for offences under Section 66 A of the Information Technology (Amendment) Act, 2008 and Section 295-A IPC, registered at Police Station City Fatehabad, along with consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between him and complainant Harcharan Singh - arrayed as respondent No.2.

When the petition came up for hearing on 4.09.2019, notice of motion was ordered to be issued. Respondent No. 1 - State of Haryana through State counsel, whereas respondent No.2 through Mr. Ajay Inder

Singh Dhillon, Advocate had put in appearance. Then in light of the contention that parties have since effected compromise, they were directed to put in appearance before the Area 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 Chief Judicial Magistrate, Fatehabad, in terms of which complainant Harcharan Singh and accused, namely, Keshav Kumar Rukhaya, had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, without any coercion or fraud. 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 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.

15.01.2020

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(H.S. MADAAN)

JUDGE

Whether speaking/reasoned :

Yes/No

Whether Reportable :

Yes/No