

265 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53506-2019
Date of Decision: 04.03.2020

Kushal Solanki

... Petitioner

v/s

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. J.P.Jangu, Advocate
for the petitioner.

Mr. Sulinder Kumar, AAG Haryana.

Mr. Nitish Yadav, Advocate
for respondent No.2.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 96 dated 17.03.2019, under section 379-B of Indian Penal Code registered at Police Station Sector 14, District Gurugram and all the consequential proceedings arising therefrom, on the basis of compromise dated 13.11.2019 (Annexure P-2).

The allegations in the FIR are to the effect that on 16.3.2019 the petitioner had snatched mobile phone of respondent No.2 and ran away. Learned counsel for the petitioner has placed reliance upon two decisions of Punjab and Haryana High Court; **CRM-M-18805-2017, Karamvir Parcha and others vs. State of Haryana and another, decided on 12.9.2017** and **CRM-M-39135-2017, Sahil and others vs. State of Haryana and another, decided on 28.11.2018**, vide which FIRs registered

under Section 379-B IPC have been quashed on the basis of compromise.

It has been conceded by learned State counsel that there was no visible mark of injury on the person of respondent No.2. Furthermore, it has been stated by learned counsel for the petitioner that petitioner is a student and no other case has been registered against him.

On 16.12.2019, notice of motion was issued and parties were directed to appear before the trial Court and get their statements recorded with regard to the compromise arrived at between them.

The Trial Court was directed to record the statements of all the concerned and sent his report regarding genuineness and voluntary nature of the compromise.

In compliance of the order dated 16.12.2019, learned Addl. Sessions Judge, Gurugram has recorded the statements of the parties and submitted her report, the relevant whereof reads as under:-

“Thereafter on 05.02.2020, the date already fixed in this court for the purpose of evidence, complainant as well as accused appeared. Statement of complainant Kavita and statement of accused Kushal Solanki were recorded, as per which compromise has been effected between the parties. Both the parties have stated that they have compromised the matter voluntarily, without any pressure or coercion. Original statement of complainant, duly identified by the Learned Counsel, is enclosed herewith as 'Annexure-A' and original statement of accused, duly identified by the Learned Counsel, is enclosed as 'Annexure-B'. Copy of zimni order dated 30.01.2020 is enclosed herewith as 'Annexure-C'. Copy of zimni order dated 05.02.2020 is enclosed herewith as 'Annexure-D'.

As per the statements of the parties, the compromise is genuine, without any pressure or undue influence.”

After hearing learned counsel for the parties and 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 a settlement, out of the Court, by way of compromise (Annexure P-2). The compromise is without any pressure and is 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***, upheld by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***.

Accordingly, the present petition is allowed and FIR No. 96 dated 17.03.2019, under section 379-B of Indian Penal Code registered at Police Station Sector 14, District Gurugram and all the consequential proceedings arising therefrom are quashed qua petitioner only.

04.03.2020

Janki

**(VIVEK PURI)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No