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

CRM-M-30710-2020

Date of Decision: 10.02.2021

KARTAR SINGH

PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Anshul Mangla, Advocate for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Mr. Rakesh Bakshi, Advocate for respondent No.2.

AVNEESH JHINGAN, J (Oral):

The petition under Section 482 Cr.P.C. is for quashing of FIR No. 28 dated 17.2.2020 registered under Sections 188, 268, 285 IPC 1860 and Section 25 Arms Act, 1959 registered at Police Station Panjokhara, District Ambala and all consequential proceedings arising therefrom

The FIR was at the behest of Suchet Singh. The incident was with regard to firing done during marriage reception. Parties compromised the matter and approached this Court for quashing of FIR.

Following order was passed by this Court on 19th November,

2020:-

“The matter is taken up for hearing through video conference due to COVID-19 situation.

The petition under Section 482 Cr.P.C. is for quashing of FIR No. 28 dated 17.2.2020 registered under Sections 188, 268, 285 IPC 1860 and Section 25 Arms Act, 1959 registered at Police Station Panjokhra, District Ambala and all consequential proceedings arising therefrom. The quashing is sought on the basis that matter has been compromised.

M. Rakesh Bakshi, Advocate, puts in appearance on behalf of respondent No.2 and submits that he has no objection if the FIR is quashed.

However, considering the irresponsible behaviour of the petitioner during the marriage ceremony which could have endangered the lives of others, let the parties get their statement recorded, subject to payment of costs of Rs.25,000/- to be deposited in Haryana Police Welfare Fund.

Let the parties appear before Illaqa Magistrate/trial Court on 12.1.2021 for recording their statements with regard to the compromise/settlement. The trial court is directed to submit a report on or before the next date of hearing containing the following information:

- 1. Number of persons arrayed as accused in FIR;*
- 2. Whether accused is proclaimed offender; and*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*

Receipt regarding deposit of the amount be produced before trial Court.

List on 10.2.2021.”

The report dated 15th January, 2021 is received to the effect that costs imposed have been deposited and parties have voluntarily, without any coercion or undue influence, entered into compromise.

Learned counsel for the complainant submits that he has no objection if the present FIR is quashed.

Full Bench of this Court in *Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052*, has held:-

“The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.

The power under Section 482 of the Cr.P.C. is to be exercised Ex-Debitia Justitia to prevent an abuse of process of Court. There can neither be an exhaustive list nor the defined para-meters to enable a High Court to invoke or exercise its inherent powers. It will always depend upon the facts and circumstances of each case. The power under Section 482 of the Cr.P.C. has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The exercise of power has to be with circumspection and restraint. The Court is a vital and an extra-ordinary effective instrument to maintain and control social order. The Courts play role of paramount importance in achieving peace, harmony and ever-lasting congeniality in society. Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.”

Vide order dated 19th November, 2020 costs were imposed as deterrent for the irresponsible behaviour of the petitioner. To meet the ends of justice and considering that no useful purpose would be served

with continuation of trial, the above mentioned FIR with all subsequent proceedings arising therefrom are quashed.

The petition is disposed of.

[AVNEESH JHINGAN]
JUDGE

10th February, 2021
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |