

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

(1) CRM-M-35251-2020 (O&M)
Date of decision: 17.02.2021

Kanwarjeet Singh Arora

...Petitioner

Versus

State of Haryana and another

...Respondents

(2) CRM-M-6997-2021 (O&M)
Date of decision: 17.02.2021

Navneet Kaur and others

...Petitioners

Versus

State of Haryana and another

...Respondents

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

Present: Mr. Rohit Mittal, Advocate with
Ms. Divyastuti Parsoon, Advocate for the petitioner(s).

Mr. K.S. Thakur, AAG, Haryana.

Mr. Abhishek Jindal, Advocate for respondent No.2.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

By this order, the aforementioned petitions are decided being arising out of the same FIR. Petitioner Kanwarjeet Singh Arora has filed petition No.CRM-M-35251-2020 and petitioners Navneet Kaur, Bikramjeet Singh and Jasleen Kaur have brought petition No.CRM-M-

6997-2020 under Section 482 Cr.P.C. for quashing of FIR No.178 dated 10.03.2020, for offences under Sections 406, 420 and 120-B of IPC, registered at Police Station Central, Faridabad, against them, along with consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Shashi Khurana- arrayed as respondent No.2.

In CRM-M-35251-2020, when the petition came up for hearing on 02.11.2020, notice of motion was ordered to be issued. Respondent No. 1 - State of Haryana through State counsel, whereas respondent No.2 through Mr. Abhishek Jindal, 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 trial Court/Illaq Magistrate to get their statements recorded with regard to compromise and was directed to send a report to this Court.

Whereas, in CRM-M-6997-2021, notice of motion has been issued today itself. Mr. K.S. Thakur, AAG, Haryana, accepts notice on behalf of the respondent-State and Mr. Abhishek Jindal, Advocate has accepted notice on behalf of respondent No.2. Counsel for the complainant does not oppose the acceptance of the petition and quashing of the FIR on the basis of compromise.

Ld. State counsel, on instructions from ASI Devinder Kumar has stated that after registration of FIR, the matter was investigated and involvement of Kanwarjeet Singh Arora and his wife Navneet Arora was found, whereas, Bikramjit Singh Arora and Jasleen Arora were found to

be innocent. He has contended that since the matter has been compromised between the parties, therefore, he does not oppose the request for quashing of FIR.

Ld. counsel appearing for respondent No.2 has stated that he has no objection if the FIR is quashed against the petitioners.

Report has been received from Addl. Chief Judicial Magistrate, Faridabad, in terms of which complainant Shashi Khurana and accused, namely, Kanwarjeet Singh Arora, Ms. Navneet Arora and Bikramjeet Singh Arora, had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, without any pressure or coercion in any manner. Further, the complainant Shashi Khurana and victim/son of complainant, namely, Anubhav Khurana have stated that they have 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 except accused Jasleen Arora, 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 Anr. 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 petitions are allowed and the above said FIR along with ancillary proceedings are hereby quashed.

17.02.2021

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No