

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

237-CRM-M-7990-2021

Date of Decision: 29.03.2023

SANJAY VERMA

... Petitioner

VS.

STATE OF HARYANA AND ANOTHER

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Kanwar Yuvraj Singh, Advocate for the petitioner

Mr. Ashok Kumar Sehrawat, DAG Haryana

Mr. Prem Bhushan Gupta, Advocate for respondent No.2

Sandeep Moudgil, J. (Oral)

By this petition, the petitioner seeks quashing of order dated 07.08.2018 (Annexure P-1), passed by the learned Judicial Magistrate Ist Class, Panchkula, in complaint No.NACT/6179/2016 dated 01.08.2016 titled 'Prem Bhushan Gupta Vs. Sanjay Kumar', filed under the provisions of Section 138 of Negotiable Instruments Act, 1881. Vide that order he was declared to be a proclaimed person. He also seeks quashing of FIR No.304 dated 24.07.2019 registered at Police Station Sector 5, Panchkula, alleging therein commission of an offence punishable under Section 174-A of the IPC, on the basis of a compromise reached between him and respondent No.2.

Counsel for the petitioner contends that in compliance to the order dated 12.03.2021, the complainant has surrendered before the trial court and after appearing there, has got the concession of bail and is regularly appearing before the trial court. It has also brought to the notice of this Court that the party to the lis have already compromised the matter and a statement to that effect has been made before this Court on 03.09.2021.

Since now the petitioner is regularly appearing before the trial court and the pendency of the aforesaid FIR No.304 dated 24.07.2019 serve no purpose in the light of a Full Bench of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, which has held that:-

“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 noncompoundable 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 everlasting 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.”

The legal principles as laid down for quashing of the judgment were also approved by the Hon'ble Supreme Court in the matter of '*Gian Singh Versus State of Punjab and another, (2012) 10 SCC 303*'. Furthermore, the broad principles for exercising the powers under Section 482 were summarized by the Hon'ble Supreme Court in the matter of '*Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another*' (2017) 9 SCC 641'.

It is evident that in view of the amicable resolution of the issues amongst the parties, no useful purpose would be served by continuation of the proceedings. The furtherance of the proceedings is likely to be wastage of judicial time as there appears to be no chances of conviction.

In view of above, prayer made in the present petition is allowed and the above mentioned complaint (Annexure P1) as well as the FIR (Annexure P2) with all subsequent proceedings arising therefrom are quashed *qua* the petitioner in view of the compromise arrived at between the parties before this Court.

Disposed of.

Needless to say that the parties shall remain bound by the terms of compromise and their statements made before the Court below.

29.03.2023

V.Vishal

1. Whether speaking/reasoned?
2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No