

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

279

CRM-M-26543-2023

Date of Decision: 24.08.2023

Gobind @ Gobind Ram Madaan and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Sunil Saharan, Advocate,
for the petitioners.

Mr. Gurbir S. Dhillon, A.A.G., Haryana.

Mr. Digvijay Dalal, Advocate for
Mr. Rohit Chaudhary, Advocate, for respondent Nos.2 and 3.

VIKAS SURI, J.

1. By filing the instant petition, preferred under Section 482 Cr.P.C. quashing of FIR No.719 dated 16.08.2022, under Sections 420, 467, 468, 471 and 34 of IPC registered at Police Station Hisar City, District Hisar (Annexure P-1) along with all subsequent proceeding arising therefrom, is sought on the basis of compromise dated 17.05.2023 (Annexure P-2).
2. Vide order dated 25.05.2023, parties were directed to appear before the Illaqa Magistrate/trial Court for recording of their statements and the Court concerned was to send its report, *inter alia*, regarding genuineness of the compromise.
3. The trial Court's report dated 20.07.2023 has been received, wherein, the compromise is reported to be a result of mutual understanding of both the parties, without any pressure or coercion.

4. Learned counsel for the respective parties submit that the parties do not wish to pursue the FIR in question and have no objection in case the same is quashed.

5. Though, no formal reply has been filed by the State, however, learned State counsel does not seriously oppose the prayer being granted in view of the facts and circumstances of the case.

6. Heard learned counsel for the parties.

7. In ***Kulwinder Singh and others vs. State of Punjab, 2007(3) RCR (Criminal) 1052***, a Full Bench of this Court has held that under Section 482 Cr.P.C., High Court has power to allow compounding of non-compoundable offence and also to quash the prosecution where it is of the opinion that the same is required to prevent the abuse of the process of law or otherwise to secure the ends of justice.

8. Similarly, the Hon'ble Supreme Court in ***Gian Singh vs. State of Punjab and another, 2012(4) RCR(Criminal) 543*** has observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by the High Court to quash criminal proceedings in which a compromise has been effected.

9. Further, the law laid down in ***Gian Singh's*** case (supra) was reiterated by the Hon'ble Supreme Court in ***Jasmair Singh & another vs. State of Haryana and another, 2022(9) SCC 73***, wherein, the FIR and proceedings pursuant thereto were quashed considering the fact that the parties had buried the hatchet and decided to give quietus to the proceedings.

10. In a decision, based on compromise, none of the parties is a loser. Rather, a compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquillity in the society. After considering the

nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

11. In view of above, this petition is allowed. Resultantly, FIR No.719 dated 16.08.2022, under Sections 420, 467, 468, 471 and 34 of IPC, registered at Police Station City Hisar, District Hisar (Annexure P-1) along with all subsequent proceedings arising therefrom are hereby quashed.

August 24, 2023

Harish

(VIKAS SURI)
JUDGE

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