

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

**CRM-M-52136-2021
DECIDED ON: 24.05.2023**

THAN SINGH AND ORS

.....PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: None for the petitioners.

Mr. G.S. Dhillon, AAG, Haryana.

None for respondent No.3.

Mr. Rajender Singh, Advocate for respondent No.4.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 of Cr.P.C., for quashing of FIR No.08 dated 12.01.2017, under Sections 406, 420, 467, 468, 471, 506, 34 of IPC, registered at Police Station Rohadai, District Rewari (Annexure P-1) with all subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2).

During the pendency of the dispute, the parties have compromised the matter and filed the present petition for quashing of FIR.

Vide order dated 14.12.2021, parties were directed to appear before the Illaqa Magistrate/Trial Court and report with regard to the genuineness of the compromise was called for.

As per the report dated 12.04.2022 received by this Court through the Assistant Registrar (Criminal), as has been forwarded by the District & Sessions Judge, Rewari, the compromise has been entered into between the petitioners and the complainant namely Birender on his part alone, whereas Mr. Rajender Singh, Advocate today appearing for the first time in the matter submits that respondent No.4 is also one of the complainant, his statement was

also recorded by the Investigating Agency and no compromise has been entered into qua him with the petitioners.

A 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 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 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.”

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 a waste of judicial time and there appears to be no chances of conviction.

In the light of the report so received from the District & Sessions Judge, Rewari on the basis of statements recorded before the Additional Civil Judge (Sr. Division)-cum-Sub Divisional Judicial Magistrate, Kosli, the FIR is ordered to be quashed qua the petitioners only with regard to the complaint made by respondent No.3 namely Birender. However, it is made clear that the cause of action still survives with respondent No.4, who states that he has not entered into any compromise with the petitioners and his amount is still pending, which is to be recovered.

In light of above, the dispute between the petitioners and respondent No.3 stands quashed.

In view of above, FIR (Annexure P-1), with all the consequential proceedings arising therefrom, is quashed qua the petitioners, on the basis of compromise (Annexure P-2) with respondent No.3 only.

The petition is partly allowed.

(SANDEEP MOUDGIL)
JUDGE

24.05.2023

Meenu

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