

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

227

CRM-M No.47984 of 2022

Date of Decision: 25th August, 2023

Manesh Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present:- Ms. Manvir, Advocate for
Mr. Vaibhav Sharma, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. Adarsh Dubey, Advocate for respondent No.2.

AVNEESH JHINGAN, J. (Oral)

1. This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 352 dated 27.08.2022, under Sections 195-A, 506, 34 of Indian Penal Code, registered at Police Station City, Rewari, Haryana and all subsequent proceedings arising therefrom on the basis of compromise.

2. The FIR was registered at the instance of Ashish Mittal (respondent No.2). It was alleged that the petitioner along with seven-eight unknown persons had pressurized the father of the complainant to compromise the issue involved in FIR No.274 dated 11.10.2021.

3. Learned counsel for the complainant on instructions submits that the complainant is not pursuing the matter against the unknown accomplices of the petitioner.

4. The parties with the intervention of respectables have compromised the matter.

5. On 06.12.2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

6. The report dated 09.08.2023 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence and there is only one accused (petitioner herein) and he has not been declared as proclaimed offender.

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

“There is no statutory bar in Cr.P.C. which affects inherent power of this Court under Section 482. The power of quashing is not limited to matrimonial cases alone.”

8. The Supreme Court in ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others v. State of Gujarat and another, 2017 AIR (SC) 4843*** laid down the broad principles governing the exercise of powers for quashing of FIR. It was held that the power under Section 482 Cr.P.C. is to be exercised by the High Court to secure the ends of justice, to prevent abuse of any process of law and in cases where in view of the compromise the possibility of conviction is remote and continuation of proceeding will cause oppression and prejudice.

9. With the intervention of friends and relatives, the parties have decided to forget and forgive. No useful purpose would be served by continuing with the trial. Due to compromise, there are bleak chances of conviction. To meet the ends of justice, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

10. The petition is allowed.

25th August, 2023
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

No/Yes