

CRM-M-41838-2019

DECIDED ON: 02.03.2023

AJAY MAINI AND ANR.

.....PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Ms. Seemantika Jindal, Advocate for
Mr. Sachin Mittal, Advocate for the petitioners.

Mr. Gaurav Bansal, AAG, Haryana.

Mr. Dinesh Arora, Advocate for respondent No.2/complainant.

SANDEEP MOUDGIL, J (ORAL)

This is a petition under Section 482 Cr.P.C., for quashing of FIR No.429, dated 20.09.2016 (Annexure P-1), under Sections 420, 467, 468, 471 of the IPC, registered at Police Station Sector 31, Faridabad, District Faridabad (Haryana), on the basis of compromise.

During the course of hearing on 27.09.2019, the parties were directed to get the statements recorded before the trial Court/Illaq Magistrate on 29.10.2019, in view of the compromise, as averred in the instant petition, arrived at between the parties for quashing of the above said FIR.

In pursuance thereof, petitioner No.1 and the complainant appeared before the Illaq Magistrate on 10.12.2019, as is evident from the report dated 18.11.2019 received from the Civil Judge (Jr. Division), Faridabad.

Thereafter, an application was filed on 20.01.2020, by the petitioners for recording of statement of petitioner No.2 before the trial Court/Illaq Magistrate, which stands allowed and the petitioner No.2 was

directed to appear before the trial Court/Illaq Magistrate to get his statement recorded. In pursuance thereof, report dated 30.01.2020, has been received from Civil Judge (Jr. Division), Faridabad, wherein it has been mentioned that statement of petitioner No.2, was got recorded on 27.01.2020.

On the last date of hearing i.e., 20.02.2023, learned counsel for respondent No.2-complainant sought time to get the instructions as to whether the civil suit mentioned at 2(i) of the clause of the MOU stands supplied as per the terms and conditions thereof.

Today, learned counsel for respondent No.2-complainant submits that in case the petitioners make a statement before this Court to the effect that he shall withdraw the FIR No.981 of 2016, registered at Police Station Sector 49, Noida and subsequent proceedings arising therefrom, he has no objection to the quashing of the present FIR on the basis of compromise.

Faced with the situation, learned counsel for the petitioners submits that till date, no protest petition has been filed by the petitioners and undertakes not to file any protest petition or to object to the cancellation of said FIR No.981 of 2016, in view of the settlement arrived at between the parties and shall abide the terms and conditions of the compromise in letter and spirit.

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 non-compoundable 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 view of above, FIR (Annexure P-1), with all the consequential proceedings arising therefrom, is quashed qua the petitioners, on the basis of compromise.

The present petition is hereby allowed.

02.03.2023	(SANDEEP MOUDGIL)
<i>Poonam Negi</i>	JUDGE
<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>