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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision : 02.09.2024

Sachin Banwala and Ors.

..... Petitioners

V/S

State of Haryana and Anr.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Tejas Bansal, Advocate for petitioners.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Ojas Bansal, Advocate for respondent No.2.

AMARJOT BHATTI J.

1. Petitioners – Sachin Banwala, Naresh and Dinesh have filed instant petition under Section 482 of Cr.P.C. for quashing of FIR No.927 dated 22.11.2023 (Annexure P-1), under Sections 323, 325, 452, 506 & 34 of IPC, registered at Police Station Assandh, District Karnal and all subsequent proceedings arising therefrom on the basis of compromise dated 12.02.2024 (Annexure P-2).

2. Facts of the case are Akhilendra Singh filed written complaint alleging that on 22.11.2023 at about 4:00 AM, he was lying in the office at Toll Plaza-4, Village Khadisarfli. Suddenly, three unknown persons came with muffled faces on Bajaj motorcycle Platina and started vandalizing the articles after entering the office and conducted search. When he resisted, he was given beating. On the alarm raised by him said unknown persons managed to escape by giving threats to kill him. Entire incident was captured in CCTV of Toll Plaza. With these allegations present FIR has

been registered.



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3. As per the status report, during investigation accused Sachin Banwala, Naresh and Dinesh were nominated. After completion of investigation, challan was presented and chargesheet was to be framed.

4. Petitioners filed this petition for quashing of aforesaid FIR on the basis of compromise. Petitioners and respondent No.2 were directed to appear before the trial Court/Illaq Magistrate for recording their statements on the basis of compromise. Detailed report regarding compromise has been received from the court of Sub Divisional Magistrate, Assandh dated 06.05.2024. Statement of respondent No.2 has been recorded, where he confirmed the compromise with petitioners. He confirmed that this compromise has been effected without any pressure, coercion or undue influence from any side and he has no objection regarding quashing of FIR.

5. Petitioners – Sachin Banwala, Naresh and Dinesh also confirmed this fact in their statement. Statement of HC Naresh Kumar is also recorded. He confirmed that the accused are not involved or declared as proclaimed offender in any other criminal case.

6. Therefore, from the report of Sub Divisional Magistrate, Assandh, it is clear that compromise has been effected between parties without any pressure, coercion or undue influence, which is acceptable to both the parties. Gainful reference can be made to the authority of our own High Court i.e. **Larger Bench of Five Judges 2007(3) RCR (Criminal) 1052** case titled “***Kulwinder Singh and others vs. State of Punjab and another***” where it was explained that inherent power of this Court under Section 482 cannot be limited to matrimonial cases alone and the Court has wide power to quash the proceedings even in non-compoundable

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offences notwithstanding the bar under Section 320 of Criminal Procedure Code in order to prevent abuse of law and to secure ends of justice.

7. In the case in hand both parties have mutually settled all their disputes and thereafter they will be able to live peacefully. It will end all litigation started between them. Thus no purpose would be served with the continuation of criminal proceedings.

8. Therefore considering these facts, petition filed by petitioner is accepted and FIR No.927 dated 22.11.2023 (Annexure P-1), under Sections 323, 325, 452, 506 & 34 of IPC, registered at Police Station Assandh, District Karnal and all other subsequent proceedings arising therefrom are quashed qua petitioners.

9. Accordingly, present petition stands accepted.

10. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(AMARJOT BHATTI)
JUDGE

02.09.2024.*Sunil Devi*

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No