

290 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46642-2023
DECIDED ON: 15.04.2024

BADAL ROONGTA AND ANOTHER
.....PETITIONERS
VERSUS
STATE OF HARYANA AND ANOTHER
.....RESPONDENTS

CORAM:HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. T.S. Saggu, Advocate for the petitioners.
Mr. G.S. Dhillon, AAG, Haryana.
Mr. Pankaj Nanhera, Advocate for respondent No.2.

SANDEEP MOUDGIL, J (ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of *Criminal Complaint No. NACT 1978 of 2021 dated 08.06.2021* titled as “M/s Bhagwati Coal Movers Pvt. Ltd. Vs. M/s Shri Barkha Enterprises and Another”, registered under Section 138 and 142 of the Negotiable Instruments Act, 1881 read with Section 420 of the Indian Penal Code, 1860 (Annexure P-1) and order dated 13.02.2023 (Annexure P-3) as well as the summoning order dated 06.05.2023 (Annexure P-4) passed by Ld. Judicial Magistrate Ist Class, Faridabad.

This Court vide order dated 13.03.2024 has passed the following order:-

“Learned counsel for the parties are ad idem to submit that both the parties are willing to settle the matter amicably. As has been further requested by both the sides, parties are directed to appear before the Mediator, Mediation and Conciliation Centre, District Court, Faridabad on 18.03.2024 at 10:00 AM. After conducting the proceedings, the Mediator shall send the report to this Court through Registrar, Judicial within a period of one week thereafter. List on 15.04.2024 for further consideration.”

In pursuance of the aforesaid order and during the pendency of the dispute, the parties have amicably settled the matter before the Mediator, Mediation and Conciliation Centre, District Court, Faridabad and, accordingly, the settlement/agreement has reduced in writing on 27.03.2024, as is evident from the copy of the report received from the District & Sessions Judge, Faridabad.

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***

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, *Criminal Complaint No. NACT 1978 of 2021 dated 08.06.2021* titled as **"M/s Bhagwati Coal Movers Pvt. Ltd. Vs. M/s Shri Barkha Enterprises and Another"**, registered under Section 138 and 142 of the Negotiable Instruments Act, 1881 read with Section 420 of the Indian Penal Code, 1860 (Annexure P-1) and order dated 13.02.2023 (Annexure P-3) as well as the summoning order dated 06.05.2023 (Annexure P-4) along with all the consequential proceedings arising therefrom, are quashed qua the petitioners, on the basis of settlement/agreement dated 27.03.2024 arrived at between the parties before the Mediator, Mediation and Conciliation Centre, District Court, Faridabad.

The present petition is hereby allowed.

15.04.2024
Anjal

(SANDEEP MOUDGIL)
JUDGE

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