
(2010) 12 P&H CK 0394

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M 35247 of 2010

Abhishek Mehta

APPELLANT

Vs

The State of Haryana and Another

RESPONDENT

Date of Decision : 24-12-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482
Penal Code, 1860 (IPC) — Section 420, 467, 468, 471

Citation : (2010) 12 P&H CK 0394

Hon'ble Judges : Jaswant Singh, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Jaswant Singh, J.—Prayer u/s 482 Cr.PC is for quashing of FIR No. 225 dated 27.06.2010 under Sections 420, 467, 468, 471 of IPC registered with PS Sector 5, Panchkula as well as consequential proceedings on the basis of compromise dated 23.11.2010(P-2) arrived at between the parties.

2. As per allegations levelled in the FIR by the complainant, she is owner of Booth No. 36, Sector 7, Panchkula and had let out the same on rent to M/s CTIS, through its proprietor Abhishek(Petitioner) @ Rs. 10,000/-per month. Petitioner stopped paying rent to her(complainant). Upon which she filed civil suit for eviction against him. In the said suit Petitioner filed written statement by taking false pleas and made false allegations against the complainant. Complainant further came to know that Petitioner had opened a bank account in the name of his concern in HDFC Bank, Sector 8 Panchkula by giving wrong information. Complainant apprehends that Petitioner might have forged certain documents regarding the tenancy under her forged signatures. Thereupon she lodged the present FIR.

3. While issuing notice of motion parties were given liberty to appear before the learned Illaqa Magistrate for getting their statements recorded in terms of the compromise who after recording their statements was required to submit its

reports regarding genuineness of compromise.

4. Report (Mark-A) in the shape of letter dated 14.12.2010 of learned Additional Chief Judicial Magistrate, Panchkula duly forwarded by the learned District & Sessions Judge, Panchkula accompanied by original statements of Petitioner as well as the Respondent-complainant and original compromise Deed (Ex.C-1) has been received wherein it is stated that the parties appeared before that court and suffered statements recorded separately in terms of the compromise thereby stated that the matter between the parties has been compromised in the FIR and complainant has no objection if the aforesaid FIR and all consequential proceedings are quashed against the Petitioner.

5. From the report submitted it is evident that the dispute between the Petitioner-accused and the complainant has been amicably resolved by entering into compromise wherein the complainant has stated that she has no objection if the present FIR against the Petitioner-accused is quashed.

6. Learned State Counsel is unable to raise any serious objection in view of the statement recorded in terms of the aforesaid compromise whereby the complainant is not willing to support the case of the prosecution.

7. Hon''ble Supreme Court in B.S. Joshi and Others Vs. State of Haryana and Another, has made it explicitly clear in para 15 of its judgment that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 of the Code does not limit or effect the powers u/s 482 of the Code.

8. A Full Bench of this Court in Kulwinder Singh and Ors. v. State of Punjab and Anr. 2007(3) RCR (Criminal) 1052 has also held that this Court, in appropriate cases, while exercising powers u/s 482 Cr.P.C., may quash an FIR disclosing the commission of non-compoundable offences. The relevant extracts read as under:

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 u/s 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 u/s 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.

9. Hon''ble Apex Court in another case in Nikhil Merchant Vs. Central Bureau of Investigation and Another, while relying upon its decision in B.S. Joshi's case(supra) has also held that in view of the compromise arrived at between the parties, the technicalities should not be allowed to stand in the way in the quashing of criminal proceedings and the continuance of the same after compromise between the parties would be a futile exercise.

10. Similar views were expressed by Hon''ble the Apex Court in Madan Mohan Abbot Vs. State of Punjab, , the relevant extract of which is as under:

We need to emphasise that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilized in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law.

11. Keeping in view the above settled legal position and taking into account the fact that both the parties have desired to live in peace and harmony and carry on with their lives without any ill will or rancour by resolving their differences and entering into the aforesaid compromise, it is evident that it is a fit case where there is no legal impediment in the way of the Court to exercise its inherent powers u/s 482 Cr.P.C., for quashing of the FIR in the interest of justice.

12. Accordingly, the present petition is allowed and FIR No. 225 dated 27.06.2010 under Sections 420, 467, 468, 471 of IPC registered with PS Sector 5, Panchkula and the subsequent proceedings arising there from are quashed against the Petitioner.