
(2010) 02 P&H CK 0147
In the Punjab And Haryana At Chandigarh

Anil Kumar and Others

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 25-02-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 323, 324, 34, 506

Citation : (2010) 02 P&H CK 0147

Hon'ble Judges : Sabina, J

Bench : Single Bench

Judgement

Sabina, J.—Petitioners have filed this petition u/s 482 of the Code of Criminal Procedure for quashing FIR No. 193 dated 23.4.2009 (Annexure P-1) under Sections 323/324/506/34 of the Indian Penal Code ("IPC" for short), registered at Police Station Civil Lines, Rohtak and subsequent proceedings arising therefrom including charge sheet dated 22.12.2009 (Annexure P-2) in view of the compromise dated 10.5.2009 (Annexure P-4) arrived at between the parties.

2. Learned Counsel for the petitioners has submitted that it was a case of version and cross-version. Manohar Lal and Khairati Lal are real brothers. Ravi and Pawan are sons of Manohar Lal, whereas, Anil Kumar @ Raju is son of Khairati Lal. Now the parties have arrived at a compromise with the intervention of the relatives and respectables of the area.

3. Respondents No. 2 to 4 along with their counsel are present in the Court and have admitted the contents of the compromise as well as their affidavits. They have submitted that they have compromised the matter with the petitioners and have no objection in case the FIR in question is ordered to be quashed.

4. As per the Full Bench judgment of this Court in Kulwinder Singh and Ors. v. State of Punjab 2007 (3) RCR (Cri) 1052, High Court has power u/s 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court felt that the same was required to prevent the abuse of the process of any Court or to otherwise secure the ends of justice. This

power of quashing is not confined to matrimonial disputes alone.

5. Hon''ble the Apex Court in the case of Nikhil Merchant Vs. Central Bureau of Investigation and Another, in para Nos. 23 and 24 has held as under:

23. In the instant case, the disputes between the Company and the Bank have been set at rest on the basis of the compromise arrived at by them whereunder the dues of the Bank have been cleared and the Bank does not appear to have any further claim against the Company. What, however, remains is the fact that certain documents were alleged to have been created by the appellant herein in order to avail of credit facilities beyond the limit to which the Company was entitled. The dispute involved herein has overtones of a civil dispute with certain criminal facets. The question which is required to be answered in this case is whether the power which independently lies with this Court to quash the criminal proceedings pursuant to the compromise arrived at, should at all be exercised?

24. On an overall view of the facts as indicated hereinabove and keeping in mind the decision of this Court in B.S. Joshi's case (supra) and the compromise arrived at between the Company and the Bank as also Clause 11 of the consent terms filed in the suit filed by the Bank, we are satisfied that this is a fit case where technicality should not be allowed to stand in the way in the quashing of the criminal proceedings, since, in our view, the continuance of the same after the compromise arrived at between the parties would be a futile exercise.

6. Since the parties have arrived at a compromise and have decided to live in peace, no useful purpose would be served in allowing these proceedings to continue.

7. Accordingly, the present petition is allowed. FIR No. 193 dated 23.4.2009 (Annexure P-1) under Sections 323/324/506/34 IPC, registered at Police Station Civil Lines, Rohtak and subsequent proceedings arising therefrom including charge sheet dated 22.12.2009 (Annexure P-2), are quashed.