
(2010) 03 P&H CK 0269
In the Punjab And Haryana At Chandigarh

Jaswant Ram

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 12-03-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 376, 506, 509, 511

Citation : (2011) 6 RCR(Criminal) 1243

Hon'ble Judges : Sabina, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Sabina, J.—This petition has been filed u/s 482 of the Code of Criminal Procedure for quashing FIR No. 243 dated 25.12.2009 (Annexure P-1), under Sections 376/511 and 506/509 of the Indian Penal Code ("IPC" for short) and later on added under Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (the Act- for short), registered at Police Station Ranian District Sirsa and subsequent proceedings arising there from.

2. Learned Counsel for the petitioner has submitted that now the parties have arrived at a compromise with the intervention of the relatives and respectables of the area. Parties have got adjoining land.

3. Respondents No. 2 and 3, who are present in Court in person along with their counsel, have admitted the factum of decision taken during panchayat (Annexure P-4) and have tendered their affidavits. As per which, they have no objection in case the FIR 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 (Criminal) 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. 243 dated 25.12.2009 (Annexure P-1), under Sections 376/511 and 506/509 IPC and later on added under Sections 3 and 4 of the Act and all the subsequent proceedings, arising there from, are quashed.