

Ramandeep Kaur and Another Vs State of Haryana and Another

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Nov. 16, 2010

Acts Referred: Criminal Procedure Code, 1973 (CrPC) â€” Section 320, 482
Penal Code, 1860 (IPC) â€” Section 406, 420

Hon'ble Judges: Jaswant Singh, J

Bench: Single Bench

Judgement

Jaswant Singh, J.

Prayer is u/s 482 Cr.PC for quashing of FIR No. 318 dated 8.7.2010 under Sections 406 and 420 of Indian Penal

Code registered with Police Station Sadar Ambala on the basis of compromise dated 26.10.2010(P2) arrived at between the accused-Petitioners

and the complainant.

2. As per allegations in the FIR, Vijay Kumar was working as Accountant with the complainant firm-M/s Modern Automobiles and on 7.7.2010

he along with driver Karamjit went to ICICI Bank Branch Ambala for depositing a sum of Rs. 2,40,000/-in the account of the firm. Vijay Kumar

handed over aforesaid sum of Rs. 2,40,000/-to the Petitioner No. 1-Ramandeep Kaur for depositing the same in the account of the firm. She took

the money and on asking of receipt of the same by said Vijay Kumar employee of the complainant firm, Petitioner No. 1-teller at the bank stated

that the amount was taken back by the companion of Vijay Kumar. VijayKumar denied having any companion or received back the amount.

Thereafter Vijay Kumar along with other senior officials of his office informed the police and got the present FIR registered.

3. Upon notice of motion, Madhu Sudan Vij son of H.L. Vij, Proprietor Modern Automobiles, Ambala has appeared in the court. He has been

identified by his counsel. He has also filed his affidavit whereby he has stated that his Firm-Modern Automobiles has received a sum of Rs. 2.40

lacs from the ICICI Bank-complainant and he has no objection if the present FIR and all the proceedings emanating therefrom are quashed.

4. His statement has also been separately recorded.

5. Learned State Counsel on instructions from ASI Dharam Pal is unable to raise any serious objection in view of the statement recorded in terms

of the aforesaid compromise whereby the complainant-Firm is not willing to pursue the present case against the Petitioners.

6. 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.

7. A Full Bench of this Court in Kulwinder Singh and Ors. v. State of Punjab and Anr. 2007(3) RCR 1052 has 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.

8. 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.

9. 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 utilised 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.

10. 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.

11. Accordingly, the present petition is allowed and FIR No. 318 dated 8.7.2010 under Sections 406 and 420 of Indian Penal Code registered

with Police Station Sadar Ambala as well as the subsequent proceedings arising therefrom are quashed against the Petitioners.