

Bharat Bhushan Puri Vs State of Haryana and Others

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Sept. 13, 2012

Acts Referred: Criminal Procedure Code, 1973 (CrPC) â€” Section 320, 482
Penal Code, 1860 (IPC) â€” Section 120B, 120B, 419, 420, 467

Hon'ble Judges: Vijender Singh Malik, J

Bench: Single Bench

Advocate: G.P. Singh, for the Appellant; Sagar Deswal, AAG, Haryana, for the State, Ms. Swati Batra, Advocate, and Mr. Sudhir Aggarwal, Advocate, for respondent No. 7., for the Respondent

Final Decision: Allowed

Judgement

Vijender Singh Malik, J.

Bharat Bhushan Puri, the petitioner has brought this petition under the provisions of section 482 Cr. P.C., for

quashing of FIR No. 35 dated 27.1.2011 registered at Police Station Sohna, District Gurgaon for an offence punishable under sections 419, 420,

467, 468 and 471 read with section 120B of Indian Penal Code alongwith all the subsequent proceedings arising out of the same, on the basis of

compromise arrived at between the parties. On notice of the petitions, besides State counsel, respondents No. 2 to 7 have appeared before me

along with their respective counsel. They have admitted that the matter has been compromised between the parties.

2. Vide orders dated 30.7.2012 passed by this court, the parties were directed to appear before learned Illaqa Magistrate on 13.08.2012 in order

to make statements there with regard to the compromise arrived at between them. The Judicial Magistrate Ist Class, Gurgaon recorded statements

of the parties and submitted his report vide letter dated 17.8.2012. According to him, the parties have compromised the matter.

3. Compromise brings not only peace and harmony between the parties to a dispute but restores tranquility in the society. Taking restoration of

peace and harmonious relations as the prime concern of law, it was held in Dharambir Vs. State of Haryana, 2005 (3) RCR (Cri) 426 by this court

that even if a matrimonial offence is non compoundable, a case regarding the same could be quashed on the basis of compromise between the

parties to achieve the aforesaid object.

4. A Larger Bench of five Hon`ble Judges of this court in Kulwinder Singh and others Vs. State of Punjab and another 2007 (3) RCR (Cri) 1052,

has taken the following decision regarding the other offences:-

29. 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.

5. Therefore, the quashing of FIRs in non-compoundable offences is not limited to matrimonial disputes only and the FIR for the other offences

could also be quashed. However, before accepting the petition and quashing the proceedings, the court has to satisfy itself that the compromise is

just and fair in which no party is taking undue benefit. Simultaneously, it has to be seen that the compromise is free from undue pressure. Once it is

found that the compromise is just and fair and is not brought about by undue pressure of one party upon the other, the court has to then see that

the quashing would secure the ends of justice or would prevent abuse of process of law.

6. On questioning the respondents, they have stated that no cause of friction is left between the parties. This compromise can certainly be said to

be one arrived at to secure the ends of justice. Nothing appears to the court to be suggestive of any pressure, much less undue pressure on the

respective parties for this compromise. Undue benefit is also not seen to be derived by any party in the matter of compromise. Respondents No. 2

to 7 are represented by counsel of their choice and, therefore, expert legal advice is also available to them. Keeping in view the aforesaid facts,

continuation of the prosecution for the aforesaid offence, in the said FIR where the respondents No. 2 to 7 would not be ready to support the

allegations contained in the FIR, would be a futile exercise. Therefore, I accept the petition and quash FIR No. 35 dated 27.1.2011 registered at

Police Station Sohna, District Gurgaon for an offence punishable under sections 419, 420, 467, 468 and 471 read with section 120-B IPC

alongwith all the subsequent proceedings arising out of the same.