

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Date of decision:23.12.2015

Dotti Cheema and another

.....Petitioners

v.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Jagraj Singh Khiva,Advocate for the petitioners

Mr.Kirat Singh Sidhu,DAG Punjab
assisted by ASI Lakhwinder Masih

Mr.Harjit Singh,Advocate for the complainant

Jaswant Singh,J.(Oral)

Prayer is for quashing of FIR No.18 dated 15.1.2015 under Sections 279,336, 506,34 IPC and 25/27/54/59 of the Arms Act,PS PAU Ludhiana,Distt.Ludhiana and all consequential proceedings arising therefrom on the basis of compromise arrived at between the parties.

Vide order dated 17.11.2015 parties were directed to get their statements recorded with regard to genuineness of the compromise.

Now learned JMIC,Ludhiana vide report dated 18.12.2015 (Mark-A) has reported that statements of Dotti Cheema-petitioner no.1 and complainant-Pankaj Sharma alongwith statements of affected

persons have been recorded while statement of Manjit Singh Gill-accused petitioner no.2 could not be recorded as he did not appear despite notice. Alongwith the report the learned JMIC,Ludhiana has enclosed statement of complainant-Pankaj Kumar,wherein he has stated that he has no grudge against accused Dotti Cheema @ Simranjit Singh and Manjit Singh Gill and has no objection if the present FIR/case is quashed.

The matter herein relates to sudden fight between the parties following alleged collision of their vehicles.

Learned State counsel on instructions from ASI Lakhwinder Masih states that case is under investigation and challan is yet to be presented.

On the other hand,learned counsel for complainant-respondent admits the factum of compromise between the parties.

Hon'ble Supreme Court in **(2003)4 SCC 675, B.S.Joshi and others v 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 under Section 482 of the Code.

A Full Bench of this Court in **Kulwinder Singh and others v State of Punjab and another, 2007(3)RCR(Criminal) 1052** has held that this Court, in appropriate cases, while exercising powers under Section 482 Cr.P.C., may quash an FIR disclosing the

commission of non-compoundable offences. The relevant extract reads 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 under Section 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 under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.”

Hon'ble Apex Court in another case in **J.T.2008(9) SC 192 Nikhil Merchant v 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.

Similar views were expressed by Hon'ble the Apex Court in **Madan Mohan Abot v State of Punjab, 2008(4) SCC 582**, 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.”

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 impediment in the way of the Court to exercise its inherent powers under Section 482 Cr.P.C., for quashing of the FIR in the interest of justice.

Accordingly, the present petition is allowed and FIR No.18 dated 15.1.2015 under Sections 279,336, 506,34 IPC and 25/27/54/59 of the Arms Act,PS PAU Ludhiana,Distt.Ludhiana and all consequential proceedings arising therefrom, are quashed.

23.12.2015.
joshi

(Jaswant Singh)
Judge