

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

Date of decision:23.12.2015

Ajaib Singh and others

.....Petitioners

v.

State of Punjab and others

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Ms.Vandana Rana,Advocate for
Ms.Pooja Chopra,Advocate for the petitioners.

Mr.Kirat Singh Sidhu,DAG Punjab
with ASI Ranjit Singh

Mr.Tapish Gupta,Advocate respondents 2 and 3

Jaswant Singh,J.(Oral)

Seven accused-petitioners, out of eight named in FIR No.117 dated 11.7.2015 under Sections 307,325,506,120-B,148,149 IPC and 25/54/59 of the Arms Act, PS Dehlon District Ludhiana have filed the present petition under Section 482 Cr.PC seeking quashing of the aforesaid compromise and all subsequent proceedings arising therefrom on the basis of compromise(P-7) arrived at between the parties. Eighth accused Avtar Singh is reported to have died

Vide order dated 24.8.2015, parties were directed to get their statements recorded with regard to genuineness of the compromise arrived at between them.

Now learned JMIC,Ludhiana vide her report dated 29.9.2015 (taken on record as Mark-A) has reported that the complainant has suffered statement that the compromise has been effected with the accused out of their free will,consent without any undue pressure and coercion from any corner with the intervention of the respectables and she has no objection if the aforesaid FIR is quashed. To the same effect is the statements of the accused-petitioners.

The dispute herein is over property left behind by one Balwant Singh who died issueless and intestate. Complainant party claims ownership and possession on the basis of a Will although they have no blood relation with said Balwant Singh whereas accused party is agnates of said Balwant Singh. The occurrence took place as accused party tried to take over possession of the land in question. Both sides are residents of same village and it is highly debatable as to whether offence under Section 307 IPC is made out or not.

Learned State counsel on instructions from ASI Ranjit Singh states that after investigations, challan has been presented against petitioners-accused Jagdeep Singh, Amrik Singh and Gurdeep Singh.

Learned counsel for complainant,at the time of hearing has admitted the factum of compromise having been effected 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.117 dated 11.7.2015 under Sections 307,325,506,120-B,148,149 IPC and 25/54/59 of the Arms Act, PS Dehlon District Ludhiana and all subsequent proceedings arising therefrom, are quashed.

23.12.2015.
joshi

(Jaswant Singh)
Judge