

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-29584 of 2014

DATE OF DECISION: 12.01.2015

Bhupinder Singh @ Bittu and othersPetitioners

Versus

State of Punjab and othersRespondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspaper may be allowed to see judgment?**
2. **To be referred to reporters or not?**
3. **Whether the judgment should be reported in the Digest?**

Present:- Mr. Jasjeet S. Dhaliwal, Advocate
for the petitioners.

Mr. Neeraj Sharma, AAG, Punjab.

Mr. Saurav Garg, Advocate
for respondents No. 2 to 4.

DAYA CHAUDHARY, J.

The present petition has been filed on behalf of petitioners, namely, Bhupinder Singh @ Bittu, Amit @ Amrit Singh and Robin @ Harmanpal Singh for quashing of F.I.R. No. 131 dated 6.8.2014 registered under Sections 323/324/506/148/149 IPC at Police Station E Division, District Amritsar, on the basis of compromise.

Notice of motion was issued on 29.8.2014 and vide orders dated 9.10.2014, both the parties were directed to appear before the Illaqa Magistrate for recording of their statements with regard to compromise.

The Illaqa Magistrate was also directed to submit its report before this

Court regarding genuineness/validity of the compromise.

In response to the directions issued by this Court, a report has been received from the Illaqa Magistrate, which is on record. It has been mentioned in the report that the parties were present in the Court and their statements have been recorded, wherein, they have stated that they have voluntarily entered into the compromise without any fear or pressure. It has also been mentioned in the report that the compromise is genuine, voluntarily and out of free will of the parties and no PO proceedings are pending against any of the accused. Complainant and injured have specifically stated in their statements that they do not want to proceed with the case against the accused and they have no objection in quashing of the FIR and other proceedings against them.

In ***Kulwinder Singh and others vs State of Punjab and others, reported as 2007(3) RCR (Criminal) 1052***, the Larger Bench of our own High Court has held that the High Court has the wide power to quash the proceedings even in non-compoundable offences, notwithstanding the bar under Section 320 of the Criminal Procedure Code and in order to prevent the abuse of the process of the Court or to secure the ends of justice. In Kulwinder Singh's case, the Larger Bench has also observed :-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice.” Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its

powers under Section 482 Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power.”

The Apex Court in the case of ***Madan Mohan Abbot v. State of Punjab***, reported as 2008 (2) R.C.R. (Criminal) 429:2008 (2) R.A.J. 529: (2008) 4 SCC 582 emphasized in para No. 6 as follows:-

“6. We need to emphasize 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 utilized 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.”

Hon'ble the Supreme Court in the case of ***B.S.Joshi and others v. State of Haryana and anr.***, reported as 2003 (2) RCR (Criminal) 888, in para 6 and 11, held as under:-

“6. ***In Pepsi Food Ltd. & Anr. v. Special Judicial Magistrate & Ors.***, 1997 (4) R.C.R. (Criminal) 761: (1998) 5 SCC 749, this Court with reference to Bhajan Lal's case observed that the guidelines laid therein as to where the court will exercise jurisdiction under Section 482 of the Code could not be inflexible or laying rigid formulae to be followed by the courts. Exercise of such power would depend upon the facts and circumstances of each case but with the sole purpose to prevent abuse of the process of any court or otherwise to secure the ends of justice. It is well settled that these powers have no limits. Of course, where there is more power, it becomes necessary to exercise utmost care and caution which invoking such powers.

11. In ***Madhavrao Jiwajirao Scindia & Ors. vs. Sambhajirao Chandrojirao Angre & Ors., 1988 (1) R.C.R. (Criminal) 565 : (1988) 1 SCC 692***, it was held that while exercising inherent power of quashing under Section 482, it is for the High Court to take into consideration any special features which appears in a particular case to consider whether it is expedient and in the interest of justice to permit a prosecution to continue. Where, in the opinion of the Court, chances of an ultimate conviction is bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution to continue, the court may, while taking into consideration the special facts of a case, also quash the proceedings.”

Since the dispute between the parties has been settled by way of compromise and now the complainant and injured have no objection, if the present petition is allowed and the FIR, in question, is quashed, I am of the considered view that continuation of impugned criminal proceedings between the parties would be an exercise in futility.

Accordingly, this petition is allowed and impugned criminal proceedings arising out of F.I.R. No. 131 dated 6.8.2014 registered under Sections 323/324/506/148/149 IPC at Police Station E Division, District Amritsar along with all subsequent proceedings arising therefrom qua petitioners, namely, Bhupinder Singh @ Bittu, Amit @ Amrit Singh and Robin @ Harmanpal Singh are hereby quashed.

January 12, 2015
pooja

(DAYA CHAUDHARY)
JUDGE