IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No.42702 of 2014 (O&M)

Date of Decision: 14.10.2015

Jagdev Singh Deol and others

..... Petitioners

Vs.

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Rajan Singh Dadwal, Advocate for the petitioners.

Mr. K.S.Sidhu, Deputy Advocate General, Punjab
for respondent No.1/State along with ASI Kuldeep Singh.

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JASWANT SINGH, J. (Oral)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 101 dated 23.05.2014, under Sections 353, 186, 34, IPC, registered with Police Station City Jagraon, District Ludhiana (Rural) (**Annexure P-1**) and the subsequent proceedings on the basis of compromise dated 23.05.2014 (**Annexure P-2**) arrived at between the parties.

As per allegations in the FIR, on 22.05.2014, complainant/respondent No.2-Davinder Singh Toor, Executive Officer, Nagar Council, Jagraon and other officials, while discharging their official duty, were taking possession of Shop No.13, situated at Anarkali Bazar, Jagraon, belonging to the Council, the petitioners/accused obstructed and assaulted criminal force to the complainant party.

Vide order dated 27.08.2015, this Court directed the learned Illaqa Magistrate/trial Court to send report with regard to compromise in pursuance of which, a report/letter No. 554 dated 09.10.2015 has been received from the learned

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Sub Divisional Judicial Magistrate, Jagraon, which is taken on record as **Mark-A**. It is stated in the report that the complainant has arrived at a compromise with the petitioners/accused without any undue influence and pressure.

Learned State Counsel, on instructions from ASI Kuldeep Singh, states that matter is still under investigation.

Hon'ble Supreme Court in **(2003) 4 SCC 675, B.S Joshi & Others Vs. State of Haryana & 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 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 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) S.C 192, Nikhil Merchant Vs. Central Bureau of Investigation & 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.

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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. 101 dated 23.05.2014, under Sections 353, 186, 34, IPC, registered with Police Station City Jagraon, District Ludhiana (Rural) (**Annexure P-1**) and all subsequent proceedings arising therefrom, are quashed.

October 14, 2015 **(JASWANT SINGH)**
d.k.kamra/Gagan **JUDGE**

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