

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

Date of decision:21.08.2015.

Satguru Singh and another

.....Petitioners

v.

Raj Kumar

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Ms.Harmeet Kaur Sidhu,Advocate for the petitioner.
None for the respondent.

Jaswant Singh,J.(Oral)

Prayer under Section 482 Cr.PC is for quashing of complaint no.205 dated 14.10.2011, summoning order dated 15.7.2013 and charge sheet dated 21.11.2014 for the offences under Sections 325,323,452,34 IPC, PS Beretta,District Mansa,Punjab (P-1 to P-3) and all consequential proceedings arising therefrom on the basis of compromise(P-4) arrived at between the parties.

This Court vide order dated 1.5.2015 had directed the parties to appear before the Trial Court on 14.7.2015 for recording of their statements. A report with regard to veracity of the compromise was sought for.

Now learned JMIC Budhlada vide her report dated 14.7.2015, which is taken on record, has reported that complainant as well as accused petitioners suffered statement on 14.7.2015 regarding

their compromise. Learned JMIC has further opined that there was no pressure or coercion on both parties for entering into compromise and the same is purely voluntary. Statements of the parties are annexed with the said report.

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 complaint no.205 dated 14.10.2011, summoning order dated 15.7.2013 and charge sheet dated 21.11.2014 for the offences under Sections 325,323,452,34 IPC, PS Beretta,District Mansa,Punjab (P-1 to P-3) and all consequential proceedings arising therefrom, are quashed.

21.08.2015.
joshi

(Jaswant Singh)
Judge