

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

**1) CRM-M No.10044 of 2016 (O&M)**

Anita Rani and others

..... Petitioners

Vs.

State of Punjab and others

..... Respondents

&

**2) CRM-M No.10231 of 2016 (O&M)**

Manpreet Singh and another

..... Petitioners

Vs.

State of Punjab and others

..... Respondents

**Date of Decision: 10.05.2016**

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH**

**Present:** Mr. Brahminder Singh Toor, Advocate  
for the petitioners in CRM-M No.10044 of 2016 and  
for respondent Nos.2 to 4 in CRM-M No.10231 of 2016.

Mr. J.S.Bhindar, Advocate  
for the petitioners in CRM-M No.10231 of 2016 and  
for respondents Nos.2 and 3 in CRM-M No.10044 of 2016.

Mr. Mikhail Kad, Assistant Advocate General, Punjab  
for respondent No.1/State assisted by H.C. Anup Singh.

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**JASWANT SINGH, J. (Oral)**

This order shall dispose of two aforementioned petitions as both these petitions have arisen out of the same occurrence.

Both the aforementioned petitions under section 482 Cr.P.C. are for quashing of FIR No.296 dated 07.11.2014, under Sections 323, 506, 34 of the Indian Penal Code and Sections 3(1)(x) & (xi) of the S.C./S.T. Act, 1989, registered with Police Station City Barnala, District Barnala (**Annexure P-1**) as

well as its cross-version recorded in the aforesaid FIR vide DDR No.36 dated 07.11.2014, under Sections 452, 427, 323, 506, 34 of the Indian Penal Code and the subsequent proceedings arising therefrom on the basis of compromise dated 29.02.2016 (**Annexure P-2**) arrived at between the parties along with all subsequent proceedings arising from that FIR and cross-version.

As per allegations in the FIR (in CRM-M No.10044 of 2016), on 06.11.2014 at about 09.00 P.M., petitioners/accused and two unidentified persons, armed with *Kirpans* and *Baseball bats*, in connivance with each other abused the complainant-Manpreet Singh (respondent No.2) and his wife-Rajinder Kaur (respondent No.3) by caste and caused injuries to them.

As per allegations in the DDR (in CRM-M No.10231 of 2016), on 06.11.2014 at about 9.00 p.m., when the complainant/injured-Anita Rani was standing near the gate of her house, her neighbour-Manpreet Singh Bhotana was urinating in the vacant plot adjoining the house of Anita Rani. She objected it, on which he abused her. After sometime, he along with his wife-Harjinder Kaur, armed with *Sotis*, entered the house of complainant and inflicted *Soti* blows on her and also caught hold her from the hairs. On raising alarm, her husband-Manoj Kumar rescued her but both the accused also beaten her husband and also given brick bat blows, due to which glasses of their house were broken.

Vide order dated 28.03.2016 (in CRM-M No.10231 of 2016), this Court directed the learned Illaqa Magistrate/trial Court to send report with regard to compromise in pursuance of which, report/letter No.561 dated 06.05.2016 has been received from the learned Chief Judicial Magistrate, Barnala, which is taken on record as **Mark-A**. It is stated in the report that both the parties have arrived at a compromise with each other voluntarily and without any pressure.

Learned State Counsel, on instructions from HC Anup Singh, states that challan stands presented.

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.

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, both the aforementioned petitions are allowed. The aforementioned FIR along with its cross-version and all subsequent proceedings arising therefrom, are quashed.

**May 10, 2016**  
Gagan

**(JASWANT SINGH)**  
**JUDGE**