

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

Date of decision:06.04.2016

Karnail Singh and another

.....Petitioners

v.

State of Punjab and others

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.AS Dhindsa,Advocate for the petitioners

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

Mr.Jagmeet Singh,Advocate for respondents 2 to 6.

Jaswant Singh,J.(Oral)

Prayer is for quashing of FIR No.110 dated 12.9.2015, under Sections 420,467,468,471 IPC, PS Bhawanigarh,Distt.Sangrur and all subsequent proceedings arising therefrom on the basis of compromise deed by way of affidavit dated 24.2.2016.

As per allegations two accused brothers-petitioners had exchanged their land with the complainant party and inspite of the exchange they proceeded to sell four bighas of land to one Beant Kaur and thus are alleged to have cheated the complainant party.

Stand of the accused party is that there was no exchange of the land between the parties nor was their any mutation effected. The land sold concededly was owned and so recorded by the accused party.

It is also averred that a civil suit regarding a declaration on the basis of

During the proceedings, pursuant to FIR the parties are stated to have effected a compromise dated 24.2.2016(P-2) and had thus prayed for quashing of the FIR.

Learned Addl.Chief Judicial Magistrate,Sangrur vide his report dated 2.4.2016 has reported that parties appeared before him and submitted that they have amicably settled the matter and compromise has been effected, however, they sought time to comply with the terms and conditions of the compromise.

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. 110 dated 12.9.2015, under Sections 420,467,468,471 IPC, PS Bhawanigarh, Distt. Sangrur and all subsequent proceedings arising therefrom, are quashed.

06.04.2016
joshi

(Jaswant Singh)
Judge