

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

CRM-M-12248 of 2017

DATE OF DECISION :- August 18, 2017

Kulwinder Kaushal @ Happy

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. Manbir Singh Batth, Advocate for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

None for respondent no.2.

This is a petition under Section 482 Cr.P.C. for quashing of DDR No. 26 dated 20.05.2012 under Sections 341, 323, 148, 149 of the Indian Penal Code registered at Police Station Balachaur containing cross version of the incident regarding which F.I.R. No. 48 dated 19.05.2012 under sections 325, 323, 341, 148, 149 of the Indian Penal Code was registered at that very police station.

Petitioner Kulwinder Kaushal @ Happy, who is accused in the cross version by way of filing the present petition prays that the DDR in question along with all ancillary proceedings be quashed in view of compromise effected between the parties. Further more co-accused of petitioner are stated to have been acquitted by Chief Judicial Magistrate, Balachaur.

On notice, State of Punjab appeared through Assistant Advocate General whereas respondent no. 2 appeared through counsel Mr. Jagjot S. Sidhu.

Counsel appearing on behalf of complainant-respondent no.2 admitted the factum of compromise between the parties, as such parties were directed to put in appearance before Illaqa Magistrate having jurisdiction over Police Station Balachaur, District SBS Nagar within 15 days from receipt of certified copy of the order to get their statements recorded and then Illaqa Magistrate was required to send report to this Court. It was so done by order dated 31.5.2017. The parties put in appearance before SDJM, Balachaur, who has sent his report to the effect that parties had come present and suffered statements voluntarily, without any pressure regarding compromise effected between them and that compromised the residue with the intervention of respectable of locality and family members. Though it has been reported that petitioner has been declared as proclaimed offender, however, vide order dated 31.5.2017 it has been observed that no coercive means would be adopted against the petitioner till next date of hearing. Date of order dated 31.5.2017 wrongly typed be read as 1.6.2017 vide order dated 6.7.2017.

Complainant-injured Sukhwinder Singh in his statement recorded before SDJM, Balachaur has admitted the factum of compromise having been arrived at between the parties in cross version with the intervention of respectables of locality and family members. The other person injured in the incident namely Ms. Roop Rani is stated to have expired. In terms of the judgment (Annexure P3), co-accused of present

petitioner namely Rajvir Singh, Dalvir Singh, Ravinder Singh, Abhishek, Harwinder Singh, Ravi Kaushal and Kulwinder Kaushal are shown to have been acquitted by SDJM, Balachaur vide judgment dated 1.12.2014.

I have heard learned counsel for the petitioner as well as learned State counsel, besides going through the record.

Keeping in view the fact that the dispute between the parties has been resolved amicably, which appears to have been arrived at between them voluntarily without any threat or coercion and in terms of ratio of the authority reported as ***Kulwinder Singh and others vs. State of Punjab and others*** 2007 (3) RCR (Criminal) 1052, where in para 28, it has been held as under :-

“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 of the 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 of the 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, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.”

The compromise is in the interest of peace and tranquility in the society and for such like reasons this Court can quash the FIR as well as DDR and ancillary proceedings exercising power under Section 482 Cr.P.C., it appears to be a fit case to exercise such powers.

Accordingly, the petition is allowed and the abovesaid F.I.R. along with ancillary proceedings are hereby quashed.

(H.S. MADAAN)
JUDGE

August 18, 2017
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No