

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 13986 of 2016 (O&M)

Date of decision : 14.7.2017

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Rajinder Singh @ Rana and another

.....Petitioners

vs.

State of Punjab and another

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Eklavya Darshi, Advocate for the petitioners

Ms. Jaspreet Kaur, Assistant Advocate General, Punjab.

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H. S. Madaan, J. (Oral)

Rajinder Singh @ Rana and Sukhdev Singh, have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 5 dated 19.1.2016 for offences under Sections 323, 341, 452, 506 IPC, registered at Police Station Dugri, Ludhiana, against them, alongwith consequential proceedings arising therefrom. FIR was recorded on the basis of statement of Harmandeep Singh s/o Jaswant Singh, r/o 1-B, Guru Nanak Colony, Near Kaniya Beautic, Dugri, Ludhiana, arrayed as respondent No. 2 in the petition, the State

of Punjab being respondent No.1.

It is contended that the matter has since been compromised between the petitioners and respondent No.2.

When the petition came up for hearing on 26.4.2016, notice of motion was ordered to be issued for 26.7.2016. Both the respondents had put in appearance. Then in light of contention that parties have since effected compromise, they were directed to put in appearance before the Illaqa Magistrate, having jurisdiction over Police Station Dugri, District Ludhiana, for the purpose of getting their statements recorded and then Illaqa Magistrate was requested to send report to its satisfaction and further to intimate if any of the parties had been declared as proclaimed offender.

Report has since been received in this Court, signed by Judicial Magistrate Ist Class, Ludhiana. In terms of report dated 4.8.2016, complainant and both the accused had appeared before him and got their statements recorded, wherein they admitted having compromised the matter with their free consent and without any pressure. It is further reported that compromise between the parties appears to be genuine. The statement of complainant and both the accused have been enclosed.

I have heard learned counsel for the petitioners, learned State counsel. The Investigating Officer, HC Baljeet Singh, from the concerned police station is present.

Keeping in view the fact that the dispute was between close neighbours and it has been settled amicably by them vide compromise, 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 interest of peace and harmony in the society and for such like reasons this Court can quash the FIR 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 FIR
alongwith ancillary proceedings are hereby quashed.

(H.S. Madaan)
Judge

14.7.2017		
chugh	Whether speaking / reasoned	Yes / No
	Whether reportable	Yes / No