

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13472-2017
Decided on: 01.08.2017

Rajinder Kumar

.... Petitioner

Versus

State of U.T., Chandigarh and another

..... Respondents

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

Present: Mr. Mukesh Kumar Bhatnagar, Advocate,
for the petitioner.

Mr. Gautam Dutt, APP, U.T., Chandigarh.

Mr. S.K. Bawa, Advocate,
for respondent No.2.

H.S. MADAAN, J (ORAL)

Rajinder Kumar has brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No.75 dated 14.09.2016, for offence under Sections 498-A IPC, registered at Police Station Women, Chandigarh, against him, alongwith consequential proceedings arising therefrom, on the basis of compromise dated 24.03.2017, stated to have been effected between him and complainant Geeta Sharma, (estrangle) wife of the petitioner, arrayed as respondent No.2.

When the petition came up for hearing on 21.04.2017, notice of motion was ordered to be issued. At that time, Shri S.K. Bawa, Advocate had appeared on behalf of respondent No.2 and he had affirmed and verified the factum of settlement between the parties stating that respondent No.2 has no objection to quashing of the FIR. The case was adjourned to

Both the respondents had put in appearance, respondent No.1 – State of U.T., Chandigarh through State counsel, whereas respondent No.2 through Mr. S.K. Bawa, Advocate. Then in the light of the contention that parties have since effected compromise, they were directed to put in appearance before the trial Court to get their statements recorded to the satisfaction of the trial Court within a period of 10 days and the trial Court was directed to send a report to this Court.

Report has been received from Judicial Magistrate 1st Class, Chandigarh, in terms of which the complainant Geeta Sharma and accused Rajinder Kumar, had appeared there and their statements were recorded on 13.06.2017, in terms of which they have admitted to have entered into a voluntary compromise, with free will, without any pressure, coercion or undue influence. Further complainant has stated that she has no objection if the FIR in question is quashed by this Court. The trial Magistrate while submitting its report has observed that the compromise on the face of it appears to be genuine one, having being arrived at between the parties with free will, without any pressure or coercion. There is nothing on record to doubt the genuineness of the compromise so arrived at between the parties. It has been reported that there is only one accused in the case and none has been declared as proclaimed offender in the FIR in question. Alongwith the report the statements of complainant and the accused, in original, have been annexed.

I have heard learned counsel for the petitioner, 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 interest of peace and tranquility in the society and for such like reasons, this Court can quash the FIR and ancillary proceedings exercising its powers 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

01.08.2017
Dinesh

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No