

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 16223 of 2017 (O&M)

Date of decision : 9.8.2017

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Palwinder Chand and others

.....Petitioners

vs.

State of Punjab and another

.....Respondents

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

Present: Mr. J.S. Bajwa, Advocate for the petitioners

Ms. Jaspreet Kaur, Assistant Advocate General, Punjab.

Mr. Nitin Rathee, Advocate for

Mr. Amandeep Singh, Advocate for respondent No.2.

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H. S. Madaan, J. (Oral)

Petitioners – Palwinder Chand and others have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 88 dated 20.7.2014, for offences under Sections 323, 324, 427, 452, 148, 149 IPC, registered at Police Station Kathunangal, Amritsar, against them, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Joginder Kaur - arrayed as respondent No.2.

When the petition came up for hearing on 9.5.2017, notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab through State counsel, whereas respondent No.2 through Mr. Amandeep Singh, Advocate, had put in appearance. Then in 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 with regard to compromise and the trial Court was directed to send a report to this Court.

Report has been received from Judicial Magistrate Ist Class, Amritsar, in terms of which complainant Joginder Kaur and accused, namely, Palwinder Chand, Avtar Singh, Jagtar Singh @ Jagga, Mukhtiar Singh @ Sonu, Harmeet Kaur and Darshana, had appeared there and their statements were recorded, 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. There is nothing on record to doubt the genuineness of the compromise so arrived at between the parties. Alongwith the report copies statements of the complainant and all the accused, have been annexed.

I have heard learned counsel for the petitioners, learned State counsel, besides going through the record.

The complainant and accused belong to the same village. Statement of complainant and all the accused have been recorded. Since there happen to be two other injured, namely, Gurpreet Singh and his minor son Ragwinderpartap Singh, whose statements have

not been recorded; they have put in appearance in the Court through counsel and furnished affidavits. Gurpreet Singh has furnished affidavit for himself and on behalf of his minor son Ragwinderpartap Singh, admitting the compromise between the parties, pleading that the FIR in question be quashed.

Learned counsel appearing for the complainant also concedes the factum of parties having been arrived at a compromise.

Keeping in view the fact that the dispute 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 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

9.8.2017

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Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No