

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 20069 of 2016 (O&M)

Date of decision : 3.8.2017

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Santokh Singh and others

.....Petitioners

vs.

State of Punjab and others

.....Respondents

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

Present: Ms. Rajni Maurya, Advocate for the petitioners

Ms. Jaspreet Kaur, Assistant Advocate General, Punjab.

Mr. Naveen Batra, Advocate for respondents No.2 to 5.

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H. S. Madaan, J. (Oral)

Petitioners – Santokh Singh and others have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 57 dated 22.4.2010, for offences under Sections 323, 324, 148, 149 IPC, registered at Police Station Tanda, District Hoshiarpur, against them, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Maninder Singh - arrayed as respondent No.2 to 5 and others.

When the petition came up for hearing on 20.1.2017, notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab through State counsel, whereas respondents No.2 to 5 through Mr. Naveen Batra, 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 Illaqa Magistrate to get their statements recorded with regard to compromise and the Illaqa Magistrate was directed to send a report to this Court.

Report has been received from Judicial Magistrate Ist Class, Dasuya, in terms of which complainant Maninder Kumar, Dev Raj, - eye witness and injured, Surjit Kaur -injured, Dilbagh Rai – injured and accused, namely, Santokh Singh, Balwant Singh @ Sonu, Kulvir Kaur and Malkit Singh have 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 and with the intervention of the respectables. Further complainant have stated that he 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. It has been reported that no accused has been declared proclaimed offender in the FIR in question. Alongwith the report statements of the complainant party and all the accused, in original, have been annexed.

I have heard learned counsel for the petitioners, learned State counsel, learned counsel for respondents No.2 to 5, besides going through the record.

It is stated that on a revision petition having been filed by the accused in this Court bearing CRR No. 2987 of 2010 (O&M), the same was accepted vide judgment dated 2.8.2011 and order passed by the Additional Sessions Judge, Hoshiarpur, with regard to framing of charge against the petitioners was set aside. However, the petitioners were found liable to face trial for offences under Sections 324, 323, 452, 34 IPC. It is further stated that matter in the complaint case has been settled and complaint has been quashed by this Court vide order dated 29.9.2016 passed in CRM-M-24517 of 2016.

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 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

3.8.2017

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