

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24121-2016 (O&M)
Date of Decision: 25th July, 2017

SUKHCHAIN SINGH AND ORS

...Petitioners

V/S

STATE OF PUNJAB AND ORS

...Respondents

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

Present: Mr. Liaqat Ali, Advocate for
Mr. Vinod Kumar Kaushal, Advocate
for the petitioners.

Ms. Jaspreet Kaur, AAG, Punjab.

Mr. Prashant Vashisth, Advocate
for respondent No.2.

H.S. MADAAN, J. (Oral):

Sukhchain Singh, Balwinder Singh, Shamsheer Singh & Mandeep Singh @ Pardeep Singh have filed the instant petition under Section 482 of Cr.P.C. for quashing of FIR No. 183 dated 05.12.2015, under Sections 326, 324, 148 & 149 of Indian Penal Code (hereinafter referred to as 'IPC'), registered at Police Station Dehlon, City Ludhiana and entire ancillary proceedings, on the basis of compromise dated 01.02.2016.

Notice of motion was issued to the respondents. Respondent No.1-State had put in appearance through Assistant Advocate General, with respondent No.2 complainant-Gurinder Singh through counsel Mr. Prashant Vashisth, Advocate, on 26.08.2016. Since it was contended that a compromise had been effected between the parties, parties were directed to put in appearance

before the Illaqa Magistrate, Police Station Dehlon, District Ludhiana, within 15 days from the date of order to record their statements and Illaqa Magistrate was required to send report as to its satisfaction and submit before the next date. The Magistrate was also required to intimate that if any of the parties to this petition has been declared as proclaimed offender. Report from Illaqa Magistrate has since been received, which is dated 21.09.2016. In terms of the report, statements of the parties with regard to compromise had been recorded on 09.09.2016, including statement of complainant-Gurinder Singh, wherein, he stated that the matter has been compromised with accused persons without any pressure and he has no objection if the FIR is question is quashed against those persons. Statements of accused Sukhchain Singh, Balwinder Singh, Shamsheer Singh & Mandeep Singh @ Pardeep Singh have also been recorded in that regard, who have admitted the factum of compromise having been arrived at between the parties with the intervention of respected persons without any pressure. The Magistrate has reported that such compromise is genuine and has been effected voluntarily without any pressure, coercion or undue influence. No proclamation proceedings are pending against any of the party. The Magistrate has enclosed statement of Gurinder Singh-complainant besides statements of Sukhchain Singh, Balwinder Singh, Shamsheer Singh & Mandeep Singh @ Pardeep Singh in original.

I have heard learned counsel for the petitioners, learned State counsel and learned counsel for respondent No.2 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 power under Section 482 Cr.P.C., it appears to be a fit case to exercise such powers.

Therefore, the FIR in question and consequent proceedings arisen therefrom, are hereby quashed.

The petition is allowed, accordingly.

(H.S. Madaan)
Judge

25.07.2017

Nisha-I

Whether speaking/reasoned: **Yes**

Whether Reportable: **No**