

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26079-2016

Date of Decision: 31th July, 2017

SUKHMANDER SINGH AND ORS

...Petitioners

V/S

STATE OF PUNJAB & ORS.

...Respondents

CRM-M-26093-2016

Date of Decision: 31th July, 2017

MALKEET SINGH AND ANR

...Petitioners

V/S

STATE OF PUNJAB & ANR.

...Respondents

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

Present: Mr. Abhinav Jain, Advocate
for the petitioners in CRM-M-26079 of 2016 &
for respondent No.2 in CRM-M-26093 of 2016.

Mr. Amaninder Singh Sekhon, Advocate
for the petitioners in CRM-M-26093 of 2016 and
for respondents No. 2 & 3 in CRM-M-26079 of 2016.

Ms. Jaspreet Kaur, AAG, Punjab.

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

By this order, I shall dispose of CRM-M-26079-2016, titled as 'Sukhmander Singh and others Vs. State of Punjab and others' and CRM-M-26093-2016, titled as 'Malkeet Singh and another Vs. State of Punjab and another', as both these petitions have been preferred on account of the same incident.

CRM-M-26079-2016, is a petition under Section 482 Cr.P.C for

quashing of DDR bearing No. 48 dated 15.06.2016 for offences under Sections 324, 323, 148 and 149 of Indian Penal Code (hereinafter referred to as 'IPC'), registered at Police Station Sadar Kotkapura, District Faridkot and subsequent proceedings arising therefrom on the basis of compromise, has been filed by petitioners-Sukhmander Singh, Jatinder Singh, Sukhjit Singh, Mandeep Singh, Jagdev Singh & Harnek Singh arraying State of Punjab, Malkeet Singh and Jagdeep Singh as respondents. A similar petition i.e.CRM-M-26093-2016, petition filed under Section 482 Cr.P.C for quashing of FIR No. 60 dated 13.06.2016 for offences under Sections 452 and 34 of IPC, registered at Police Station Sadar Kotkapura, District Faridkot and subsequent proceedings arising therefrom on the basis of compromise, has been filed by petitioners-Malkeet Singh and Chiria Singh @ Jagdeep Singh arraying State of Punjab and Sukhmander Singh as respondents. With the consent of the parties, the facts are being taken from CRM-M-26079 of 2016.

When the petition came up for hearing on 01.08.2016, notice of motion was ordered to be issued. State counsel appeared for respondent No.1-State of Punjab, whereas, Mr. Amaninder Singh Sekhon, Advocate put in appearance for respondents No. 2 & 3. Since it was stated by counsel for the petitioners and counsel for respondents No. 2 & 3 that the matter had been compromised, parties were directed to put in appearance before the Illaqa Magistrate, Police Station Sadar Kotkapura, District Faridkot, within 15 days from the date of order to record the statement and Illaqa Magistrate was required to send report as to its satisfaction and submit before the next date of hearing. The Magistrate was also required to intimate that if any of the parties to this petition has been declared as proclaimed offender.

Report from Chief Judicial Magistrate, Faridkot has since been received, wherein she had stated that complainant-respondent Malkeet Singh son of Harnek Singh and Jagdeep Singh have suffered a joint statement to the effect that FIR No.60 dated 13.06.2016 for offences under Section 452/34 of IPC, Police Station Kotkapura was registered against them at the instance of Sukhmander Singh, whereas, cross-version DDR No. 48 dated 15.06.2016 for offence under Sections 323, 324, 148, 149 of IPC, Police Station Kotkapur was registered against Sukhmander Singh, Jatinder Singh, Sukhjot Singh, Mandeep Singh, Jagdev Singh & Harnek Singh, on the basis of statement of Malkeet Singh and that with the intervention of the respectables of the locality, a compromise has been effected between them, which is genuine, voluntary and without any coercion or undue influence. It has further been mentioned that the petitioners Sukhmander Singh, Jatinder Singh, Sukhjot Singh @ Golu, Mandeep Singh, Jagdev Singh & Harnek Singh have suffered a joint statement to the effect that FIR No. 60 dated 13.06.2016 for offences under Sections 452 and 34 of IPC, Police Station Sadar Kotkapura was registered against Malkeet Singh and Jagdeep Singh at the instance of Sukhmander Singh, whereas, cross-version DDR No. 48 dated 15.06.2016 for offence under Sections 323, 324, 148, 149 of IPC, Police Station Kotkapur was registered against them at the instance of Malkeet Singh. They have also conceded that the matter has been compromised between them and the compromise is genuine, voluntary and without any threat or pressure. The Chief Judicial Magistrate, Faridkot has endorsed the fact that the compromise arrived at between the parties is voluntary and without any pressure or undue influence and no proceedings for declaring any of the parties proclaimed offender are pending. It has

further been stated that none of the accused has been declared as proclaimed offender. Copies of statements of the parties have been enclosed.

I have heard learned counsel for the petitioners, learned State counsel and learned counsel for respondents No.2 and 3 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 the 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 DDR which is a cross version along with their ancillary, proceedings are hereby ordered to be quashed.

The petitions are allowed, accordingly.

(H.S. Madaan)
Judge

31.07.2017
Nisha-I

Whether speaking/reasoned: **Yes**

Whether Reportable: **No**