

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 2925 of 2017 (O&M)

Date of decision : 12.9.2017

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Gurjot Singh

.....Petitioner

vs.

State of Punjab and others

.....Respondents

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

Present: Mr. J.S. Mehndiratta, Advocate for the petitioner

Ms. Jaspreet Kaur, Assistant Advocate General, Punjab.

Mr. Rajneesh Kaushal, Advocate for respondents No.2 & 3.

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H. S. Madaan, J. (Oral)

Petitioner - Gurjot Singh has brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 57 dated 26.5.2015, for offences under Sections 406, 420 and 34 IPC, registered at Police Station Balongi, SAS Nagar, against him, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between him and complainant Madan Lal and Gurkirpal Singh Chawla - arrayed as respondents No.2 and 3.

When the petition came up for hearing on 31.1.2017, notice of motion was ordered to be issued. The respondent No. 1 - State of

Punjab through State counsel, whereas respondent No.2 and 3 through Mr. Rajneesh Kaushal, 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 CJM, SAS Nagar, Mohali, to get their statements recorded with regard to compromise and the CJM, SAS Nagar, Mohali was directed to send a report to this Court.

Report has been received from Chief Judicial Magistrate, SAS Nagar, Mohali, in terms of which complainant Madan Lal-respondent No.2 and accused, namely, Gurjot Singh 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 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. Alongwith the report statement of the complainant Madan Lal and the accused, in original, have been annexed.

Affidavit of Gurkirpal Singh Chawla – respondent No.3 proprietor of Petro & Agroways Chawla Complex, Chandigarh Kharar Highway, Daun, SAS Nagar, Mohali filed, who has admitted the compromise stating that he has no objection if the FIR in question is quashed.

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 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

12.9.2017		
chugh	Whether speaking / reasoned	Yes / No
	Whether reportable	Yes / No