

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1) CRM-M No. 31222 of 2016 (O&M)
Date of decision : 26.7.2017
...

Harpal Singh @ Mintu @ Mintu Bodhraj and others
.....Petitioners

vs.

State of Punjab and another
.....Respondents

2) CRM-M No. 43128 of 2016 (O&M)
...

Harjinder Singh @ Jinder
.....Petitioner

vs.

State of Punjab and another
.....Respondents

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

Present: Mr. R.S. Chauhan, Advocate for the petitioners

Ms. Jaspreet Kaur, Assistant Advocate General, Punjab.

Mr. Naresh Chander, Advocate for respondent No.2.

...

H. S. Madaan, J. (Oral)

This order shall dispose of CRM-M-31222 of 2016 and
CRM-M-43128 of 2016.

These two petitions have been filed under Section 482

Cr.P.C. for quashing of FIR No. 120 dated 24.6.2016 for offences under Sections 341, 379, 201, 323, 506, 148 and 149 IPC, registered at Police Station Chherretta, District Amritsar City, against them, alongwith consequential proceedings arising therefrom, on the basis of compromise dated 20.7.2016 and 3.10.2016, stated to have been effected between the parties.

It is stated that necessity for filing CRM-M-43128 of 2016 arose, since Harjinder Singh @ Jinder, had been arrayed as an accused later on in the abovesaid FIR.

When the petitions came up for hearing, notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab appeared through State counsel, whereas respondent No.2 appeared through Mr. Naresh Chander, Advocate. Then in light of the contention that parties have since effected compromise, they were directed to put in appearance before the Illaqa Magistrate within 15 to get their statements recorded with regard to compromise and the Illaqa Magistrate was required to send a report to this Court before the next date of hearing. Further Illaqa Magistrate was to intimate if any of the parties to the petitions have been declared as proclaimed offender.

Report has been received from Judicial Magistrate Ist Class, Amritsar, to the effect that the statement of Investigating officer ASI Rajinder Singh, complainant Babu Masih and joint statement of accused, namely, Joginder Singh @ Rinku, Harpal Singh @ Mintu, Jaswinder Singh @ Raja, Vikramjit Singh @ Lal, Ranjit Singh @ Munshi Ajit Singh and Harjinder Singh @ Jinder have been

recorded. No accused has been declared as proclaimed offender, though such proceedings against Ranjit Singh and Jinder Singh have been initiated. It has been reported that parties have compromised the matter with free will, with full senses and compromise appears to be genuine and valid and outcome of free consent of the parties and without any coercion from any quarter. Copies of statements of Babu Masih and joint statement of accused, namely, Joginder Singh @ Rinku, Harpal Singh @ Mintu, Jaswinder Singh @ Raja, Vikramjit Singh @ Lal, Ranjit Singh @ Munshi Ajit Singh and separate statement of Harjinder Singh @ Jinder have been enclosed.

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

It is stated that the parties belong to the same locality and want to live in atmosphere of peace and tranquility.

The dispute between the parties has been resolved amicably, which appears to have been done by them voluntarily without any threat or coercion. As per 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, both the petitions are allowed and the abovesaid FIR alongwith ancillary proceedings are hereby quashed.

(H.S. Madaan)
Judge

26.7.2017

chugh

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No