

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-31650 of 2016

Date of decision:-24.7.2017

Dharam Pal and others

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present : Mr.Amninder Preet Singh, Advocate
for the petitioners.

Ms.Jaspreet Kaur, AAG, Punjab.

Ms.Niharika Gupta, Advocate for
Mr.Hitesh Mittal, Advocate
for respondents No.2 and 3.

H.S. MADAAN, J.(ORAL)

This is a petition under Section 482 Cr.P.C. seeking quashing of FIR No. 21 dated 13.3.2014 for offences under Sections 379, 427, 506, 148, 149 IPC, registered at Police Station Tapa Mandi, District Barnala (Annexure P-1) and subsequent proceedings arising out of the same on the basis of compromise.

When the petition came up for hearing on 8.9.2016, notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab appeared through Assistant Advocate General, whereas respondents No.2 and 3 put in appearance through Mr.Hitesh Mittal, Advocate. Then in light of the contention that parties have since effected compromise, they were directed to put in appearance before the Illaqa Magistrate, Police Station Tapa Mandi, District Barnala within 15

days of passing of order i.e. 8.9.2016 to get their statements recorded and Illaqa Magistrate was directed to make report as to its satisfaction and further to intimate if any of the parties to this petition has been declared as proclaimed offender.

Report dated 26.9.2016 from Judicial Magistrate Ist Class, Barnala has been received, in terms of which statements of complainants and those of accused were recorded there and they had admitted the factum of compromise having been arrived at between them, the same being voluntary and without any pressure. It has further been reported that no accused has been declared proclaimed offender and compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. Joint statement of Sukhbir Singh and Gurjit Singh – complainants besides joint statement of the accused namely Dharampal, Bhagat Ram, Mamta Rani, Sameer Kansal, Nachattar Singh and Jawahar Lal have been enclosed in that regard.

I have heard learned counsel for the petitioners, learned State counsel and learned counsel appearing for respondents No.2 and 3, besides going through the record.

It is stated by learned counsel for the petitioners that dispute between the parties was essentially of civil nature which has since been resolved amicably between them. It is stated that both the parties belong to the same village and their houses are located nearby, rather in neighbourhood and to enable them to live in peace and congenial atmosphere, the present petition be accepted.

The dispute between the parties has been resolved amicably, which appears to have been done voluntarily without any

threat or coercion. 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.

24.7.2017
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No