

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 34156 of 2016 (O&M)

Date of decision : 2.8.2017

Ashwani Ghai

...

.....Petitioner

vs.

State of Punjab and another

.....Respondents

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

Present: Mr. Sandeep Arora, Advocate for the petitioner

Ms. Jaspreet Kaur, Assistant Advocate General, Punjab.

None for respondent No.2

...

H. S. Madaan, J. (Oral)

Petitioner – Ashwani Ghai has brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 69 dated 13.6.2015, for offences under Sections 419, 294, 506 IPC and Section 67 of the Information Technology Act, 2000, registered at Police Station Division No.4, Jalandhar, against him, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Gurwinder Pal Singh - arrayed as respondent No.2.

When the petition came up for hearing on 4.11.2016, notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab through State counsel, whereas respondent No.2 through Mr. G.S. Anand, 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 Illaqa Magistrate to get their

statements recorded with regard to compromise and the Illaqa Magistrate was directed to send a report to this Court.

Report has been received from Chief Judicial Magistrate, Jalandhar, in terms of which complainant Gurwinder Pal Singh and accused, namely, Ashwani Ghai have 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. It has been reported that no accused has been declared proclaimed offender in the FIR in question. Alongwith the report statement of the complainant and accused, in original, have been annexed.

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

2.8.2017

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Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No