

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-36471-2016

Date of Decision: 27th July, 2017

RANJIT SINGH @ GULABO & ORS

...Petitioners

V/S

STATE OF PUNJAB & ORS

...Respondents

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

Present: Mr. Deepak Bhardwaj, Advocate
for the petitioners.

Ms. Jaspreet Kaur, AAG, Punjab.

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

Ranjit Singh @ Gulabo (however wrongly mentioned as Harjit Singh in the FIR), Jabir Singh @ Jassa, Baljinder Singh, Kulbir Singh @ Kala and Surmukh Singh, all of them being accused in FIR No. 163 dated 15.11.2011, under Sections 324, 341, 506, 148 & 149 (Section 326 was added lateron) of Indian Penal Code (hereinafter referred to as 'IPC'), registered at Police Station Kurali, District SAS Nagar, Mohali, have filed the instant petition with a prayer for quashing of the said FIR and subsequent proceedings arising therefrom for the reason of compromise having been arrived at between them and respondent No.2-Ranmail Singh being complainant and Manjot Singh, the other injured.

When the petition came up for hearing, notice of motion was ordered to be issued to the respondents Ms. Jaspreet Kaur, AAG, Punjab appeared for respondent No.1, whereas, Sh. Kulwinder Singh Lakhanpal appeared for respondents No. 2 & 3. The parties were directed to put in appearance before the Illaqa Magistrate, Police Station Kurali, District SAS

Nagar, Mohali within 15 days of the order to get recorded their statements and Illaqa Magistrate was required to send report as to its satisfaction and submit before the next date. The Magistrate was also required to intimate that if any of the parties to this petition has been declared as proclaimed offender. Report from Additional Chief Judicial Magistrate, Rupnagar has been recieved, which is dated 18.11.2016, *inter alia*, it has been intimated that statements of complainant-Ranmail Singh and other injured Manjot Singh were recorded. Statements of accused Ranjit Singh @ Gulabo @ Harjit Singh, Jabir Singh @ Jassa, Baljinder Singh, Kulbir Singh @ Kala and Surmukh Singh have also been recorded. The complainant and Manjot Singh have stated that they have no objection if the FIR is question is quashed against those persons. It has been reported that parties are shown to have entered into mutual settlement. A joint statement of all accused has also been recorded in which they have admitted the factum of compromise. The Magistrate has reported that the compromise is genuine and has been effected voluntarily without any pressure, coercion or undue influence. No proclamation proceedings are pending against any of the party. The Magistrate has enclosed statements of Ranmail Singh-complainant and injured Manjot Singh and joint statement of accused namely, Ranjit Singh @ Gulabo @ Harjit Singh, Jabir Singh @ Jassa, Baljinder Singh, Kulbir Singh @ Kala and Surmukh Singh.

I have heard learned counsel for the petitioners, learned State counsel and learnd counsel for respondents No.2 & 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 interest of peace and tranquility in the society and for such like reasons, this Court can quash the FIR and ancillary proceedings exercising its powers under Section 482 Cr.P.C. It appears to be a fit case to exercise such powers.

Therefore, the FIR in question and consequent proceedings arisen therefrom, are hereby quashed.

The petition is allowed, accordingly.

(H.S. Madaan)
Judge

27.07.2017
Nisha-I

Whether speaking/reasoned: Yes

Whether Reportable: No