

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1)

CRM-M-3995 of 2017 (O&M)

Date of decision: 4.8.2017

Pawan Kumar and another

...Petitioners

Versus

State of Haryana and another

...Respondents

(2)

CRM-M-3998 of 2017 (O&M)

Satbir Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

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

Present : Mr.J.P.Sharma, Advocate
for the petitioners in CRM-M-3995 of 2017
and for respondents No.2 and 3 in CRM-M-3998 of 2017.

Mr.Yogesh Saini, Advocate for
Mr.Pardeep Sihmar, Advocate for the petitioner
in CRM-M-3998 of 2017 and for respondent No.2 in
CRM-M-3995 of 2017.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J. (ORAL)

Vide this order, I propose to dispose of CRM-M-3995 of
2017 and CRM-M-3998 of 2017.

Pawan Kumar and Parvinder have brought CRM-M-3995 of
2017, under Section 482 Cr.P.C. for quashing of FIR No.519 dated
4.12.2013 for offences under Sections 323/324/506/34 IPC,
registered at Police Station Mahendergarh, District Mahendergarh

(Annexure P-1), charge-sheet dated 29.10.2014 (Annexure P-2) in criminal trial No.136/14/15; titled State Versus Pawan Kumar and another and subsequent proceedings arising out of the same on the basis of compromise (Annexure P-3), whereas Satbir Singh has brought CRM-M-3998 of 2017 for quashing of cross version in the abovesaid FIR under Sections 323/324/325/506 IPC, charge-sheet dated 30.4.2014 (Annexure P-2) in the criminal trial No. RT-276 of 18.2.2014/16.9.2016 titled State Versus Satbir Singh and subsequent proceedings arising out of the same on the basis of abovesaid compromise.

When the petitions came up for hearing, notice of motion was ordered to be issued. 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 Mahendergarh, District Mahendergarh within 15 days of passing of order i.e. 8.2.2017 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.

Reports vide letters No.104 and 105 dated 23.2.2017 have been received from Judicial Magistrate Ist Class, Mahendergarh. As per report vide letter No.104, statement of Satbir Singh – complainant (respondent No.2 in CRM-M-3995 of 2017) has been recorded in which he stated that he has compromised the matter with accused persons. Separate joint statement of accused (petitioners No.1 and 2 in CRM-M-3995 of 2017) has also been recorded in

which they have stated that they have compromised the matter.

As per report vide letter No.105 joint statement of Parvinder and Pawan Kumar (respondent Nos.2 and 3 in CRM-M-3998 of 2017) has been recorded in which they stated that they have compromised the matter with accused persons. Statement of accused Satbir (petitioner in CRM-M-3998 of 2017) has also been recorded in which he has stated that he has compromised the matter.

It has further been mentioned in the reports that the compromise between the parties in question is genuine and no such material is available on record which can reflect that the compromise has been effected under fear, threat, pressure or coercion. Along with the reports, statements of the complainant and all the accused, in original, have been annexed.

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

It is stated by learned counsel for the petitioner (s) that dispute between the parties 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, both the petitions are allowed and the abovesaid FIR and its cross version, alongwith ancillary proceedings are hereby quashed.

4.8.2017
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(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No