

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 6593 of 2017 (O&M)

Date of decision : 9.8.2017

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Jora Singh and others

.....Petitioners

vs.

State of Punjab and others

.....Respondents

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

Present: Mr. Liaqat Ali, Advocate for the petitioners

Ms. Jaspreet Kaur, Assistant Advocate General, Punjab.

Mr. Ashwani Gaur, Advocate for respondents No.2 and 3.

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H. S. Madaan, J. (Oral)

Petitioners – Jora Singh and others have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 58 dated 23.6.2014, for offences under Sections 341, 323, 506, 148, 149 IPC, registered at Police Station Sadar Ahmedgarh, District Sangrur, against them, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Ram Singh and Navdeep Singh - arrayed as

respondents No.2 and 3.

When the petition came up for hearing on 2.3.2017, notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab through State counsel, whereas respondents No.2 and 3 through Mr. Ashwani Gaur, 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 trial Court to get their statements recorded with regard to compromise and the trial Court was directed to send a report to this Court.

Report has been received from Judicial Magistrate Ist Class, Malerkotla, in terms of which complainant Ram Singh and Navdeep Singh and accused, namely, Jora Singh, Manzur Ali, Gurpreet Singh, Jasvir Singh, Hoshiar Singh, Manpreet Singh @ Mani, Gurmeet Singh, Bachan Singh, Amrik Singh s/o Bhajan Singh, Amrik Singh s/o Major Singh, Satwant Singh, Bhajan Singh, Ranjit Singh @ Rita, Balwinder Singh @ Jeona and Abdul Sattar @ Yaqoob, had 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 they 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. Alongwith the report statements of both the complainant and all the accused, in original have been annexed.

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

Mr. A.S. Syan, Advocate, who had intervened in the matter opposing the quashing petition on the last date of hearing i.e. 9.5.2017, has not come present.

Learned counsel for the petitioners states that the persons for whom Mr. A.S. Syan, Advocate, had filed vakalatnama, have no concern with the present dispute.

Learned counsel for the complainants has placed on file affidavits of Daljit Kaur, Tejpal Kaur, Lakhwinder Singh and Sandeep Kaur, as regards the compromise having been arrived at between the parties, as it came out from the reading of FIR which was lodged by Ram Singh – respondent No.2 is said to have received injuries in the incident, though there is reference to sisters of the complainant having been grappled with and abused but their identity could not come out to be there during investigation. As stated by learned State counsel, parties belong to the same village.

Keeping in view the fact that the dispute 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

9.8.2017
parvinder/chugh

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No