

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

**CRM-M-7014 of 2017
Date of decision:-4.8.2017**

Om Parkash @ Seetu and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present : Mr.Devender Pal Soni, Advocate
for the petitioners.

Ms.Samina Dhir, DAG, Punjab

Mr.M.S. Dhindsa, Advocate
for respondent No.2.

H.S. MADAAN, J.(ORAL)

This is a petition under Section 482 Cr.P.C. seeking quashing of FIR No.68 dated 24.5.2016 for offences under Sections 323/325/341/148/149 IPC, registered at Police Station City Malout, District Sri Muktsar Sahib (Annexure P-1) and subsequent proceedings arising out of the same on the basis of compromise (Annexure P-2).

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 appeared through AAG, whereas respondent No.2 put in appearance through Mr.M.S. Dhindsa, Advocate. Then in light of the contention that parties have since effected compromise, they were directed to put in appearance before the Illaqa Magistrate/trial Court on

21.3.2017 to get their statements recorded and Illaqa Magistrate/trial Court was directed to make report containing the following information:

- (1) Number of persons arrayed as accused.
- (2) Whether any accused is P.O.
- (3) Whether the compromise is genuine, voluntary and without any coercion or undue influence.

Report dated 30.3.2017 from Additional Civil Judge (Sr.Divn.) – cum – SDJM, Malout has been received, in terms of which statement of complainant 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 voluntary and without any pressure, coercion and with free will. Statement of Sahib Singh – complainant besides joint statement of the accused namely Om Parkash @ Seetu, Narinder Kumar @ Neetu, Ranjit Singh and Manoj @ Gaimda have been enclosed in that regard.

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

It is stated by learned counsel for the petitioners that the matter has been amicably resolved between the parties. It is requested that 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.

4.8.2017
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No