

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8891-2017
Decided on: 28.07.2017

Rajesh and others

.... Petitioners

Versus

State of Haryana and another

..... Respondents

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

Present: Mr. Vikas Lochab, Advocate,
for the petitioners.

Ms. Safia Gupta, AAG, Haryana.

Mr. Arvind Kumar Yadav, 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.256 dated 01.09.2014, for offences under Sections 498-A, 323 and 506 IPC, registered at Police Station RAI, District Sonapat, with all consequential proceedings arising out of the said FIR on the basis of compromise, has been filed by the petitioner Rajesh, his father Phool Singh and mother Sunder Devi.

All three of them are accused in the FIR, which was lodged on the basis of complaint made by Ms. Geeta wife of petitioner-Rajesh. When the petition came up for hearing, notice was ordered to be issued to the respondents and it was directed that parties would appear before the Trial Court for getting their statements recorded for compromise on 10.05.2017 and then the Trial Court would submit a report on or before the next date of hearing containing the information as in the interim order dated 27.04.2017.

Report has been received from Chief Judicial Magistrate, Sonapat, which is dated 15.05.2017. Vide this report, it has been contended that statements of parties have been recorded, wherein they have stated that they had resolved their issues amicably and now complainant-Ms. Geeta is residing with her husband in her matrimonial home. It has further been reported that all the accused are appearing and facing trial and from the statements of parties, the compromise appears to be genuine, voluntary and without any coercion or undue influence.

I have heard learned counsel for the petitioners, 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 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

28.07.2017
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No