

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-10453-2018

Date of Decision :- 15.05.2018

**Bhinder Singh and others**

**...Petitioners**

**Versus**

**State of Punjab and others**

**...Respondents**

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

**Present:-** Mr. B.S. Sidhu, Advocate,  
for the petitioners.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

Mr. Tarun Jhatta, Advocate,  
for the respondents.

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**H.S. MADAAN, J. (ORAL)**

A similar petition was filed by the petitioners bearing CRM-M-26710-2015 decided on 02.11.2015, wherein contention of counsel for the complainant was recorded, that as a matter of fact, the wood alleged to have been stolen by the petitioners-accused has been used in the community kitchen of the hospital itself.

That petition was disposed of with a direction that the supplementary statement of the complainant would be recorded by the investigating officer within a period of 15 days and in case voluntarily offered and on the basis of supplementary statement of the complainant, it will be open to the investigating officer to present cancellation or untraced report and in case of said eventuality, the complainant would appear before the Illaqa Magistrate and submit no objection to the cancellation report.

Learned counsel for the petitioners states that the said supplementary statement was not recorded by the police intentionally and it hurriedly presenting the challan in the Court and though charge has been framed and trial is at preliminary stage.

Petitioners – Bhinder Singh and others have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No.07 dated 24.01.2015, for offences under Section 379 IPC and Sections 409, 411 and 120-B IPC added later on, registered at Police Station Kotbhai, Tehsil Gidderbaha, District Sri Muktsar Sahib, against them, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainants Jabarjang Singh and Dr. Gurpreet Singh - arrayed as respondents No.2 and 3.

When the petition came up for hearing on 13.03.2018, notice of motion was ordered to be issued. Mr. Tarun Jhatta, Advocate, had put in appearance on behalf of respondents No.2 and 3. 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 1<sup>st</sup> Class, Gidderbaha, through District and Sessions Judge, Sri Muktsar Sahib, in terms of which complainants-Jabarjang Singh and Dr. Gurpreet Singh and accused, namely, Bhinder Singh, Santosh Kumar, Sunita Devi, Gurpreet Kaur and Kulwant Kaur 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, threat or undue influence. Further complainants have stated that they have 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. It has been reported that no accused has been declared proclaimed offender in the FIR in question. Alongwith the report statement of the complainant and all the accused, in original, have been annexed.

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

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*”.”

It has been observed that High Court has power to quash prosecution in order to achieve ends of justice and to prevent abuse of process of law. Though such powers are unlimited but those are to be exercised sparingly and with utmost care and caution. Though there is no statutory bar which can effect the inherent power of High Court under Section 482 Cr.P.C.

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

15.05.2018  
Dinesh

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |