

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No.11402 of 2018 (O&M)

Date of decision : 6.8.2018

...

Hari Singh

.....Petitioner

vs.

The State of Punjab and another

.....Respondents

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

Present: Mr. C.S. Jattana, Advocate for  
Mr. G.B.S. Gill, Advocate for the petitioner.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

Mr. Tejinder Pal Singh, Advocate for respondent No.2.

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**H. S. Madaan, J. (Oral)**

**CRM-26788-2018**

This is an application for adding offence under Section 323  
IPC as additional offence in the FIR.

Heard.

Allowed. The application stands disposed of accordingly.

**Main case.**

Petitioner Hari Singh has brought the instant petition under  
Section 482 Cr.P.C. for quashing of FIR No. 345 dated 19.10.2016,  
for offences under Sections 354, 506, 323 IPC, registered at Police

Station Zirakpur, District SAS Nagar, Mohali, against him, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between him and complainant Pooja Nagra - arrayed as respondent No.2.

When the petition came up for hearing on 19.3.2018, notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab through State counsel, whereas respondent No.2 through Mr. Tejinder Pal Singh, 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, Dera Bassi, in terms of which complainant Pooja Nagra and accused, namely, Hari Singh 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 she has 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 statements of the complainant and the accused, in original, have been annexed.

I have heard learned counsel for the petitioner, learned State

counsel, besides going through the record.

It is stated that challan has been filed, which is pending trial. It is further stated that the petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by decree of divorce by mutual consent has been filed, which is fixed for recording of statements of petitioners on second motion.

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.

6.8.2018

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( H.S. Madaan )

Judge

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