

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

CRM-M No. 11452 of 2017

DATE OF DECISION :- October 05, 2018

Avtar Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Ranjit Singh Sidhu, Advocate for the petitioners.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

Mr. Saurabh Bhatia, Advocate for respondent no. 2.

Petitioners – Avtar Singh and others have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 30 dated 30.5.2011, for offences under Sections 354, 353, 506, 186, 148, 149 IPC registered at Police Station Passiana, District Patiala against them, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Balwinder Kaur- arrayed as respondent No.2.

Initially in this case an untraced report was filed by the police on 17.7.2011, however, that report was not accepted by Additional Chief Judicial Magistrate, Patiala and the police was directed to carry on further investigation vide order dated 11.1.2012. As such Deputy Superintendent of Police, Samana in compliance with that order carried out further investigation and directed deletion of Section 353, 186 IPC adding Section 451 IPC and then the challan was filed in the Court. Charge has been framed against accused Avtar Singh, Charan Kaur,

Gurnam Singh, Sukhwinder Kaur and case is pending trial.

When the petition came up for hearing on 5.4.2017, notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab through State counsel had put in appearance, whereas respondent No.2 through Mr. Saurabh Bhatia, 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, Patiala, in terms of which complainant Balwinder Kaur and accused, namely, Avtar Singh, Baljinder Singh, Gurnam Singh, Darshan Kaur @ Gurcharan Kaur @ Charno, Jaswinder Kaur and Sukhwinder 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, 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 statement of the complainant and all the accused have been annexed.

I have heard learned counsel for the petitioners, learned counsel for respondent no. 2 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

October 05, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No