

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

CRM-M No. 13149 of 2018

DATE OF DECISION :- August 08, 2018

Gursewak Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. S.K. Gupta, Advocate for the petitioners.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

Mr. Hardeep Singh, Advocate
for Mr. R.B. Gupta, Advocate for respondent no.2.

Petitioners – Gursewak Singh and others have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 13 dated 18.2.2018, for offences under Sections 363/366-A/457/380 IPC, registered at Police Station Valtola, District Tarn Taran, against them, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Jatinder Singh-arrayed as respondent No.2.

When the petition came up for hearing on 28.3.2018, notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab through State counsel, whereas respondent No.2 through Mr. Hardeep Singh, Advocate for Mr. R.B. Gupta, Advocate for respondent no.2., 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 Illaqa Magistrate to get their statements recorded with regard to compromise and the Illaqa Magistrate was directed to send a report to this Court.

Report has been received from JMIC, Patti, in terms of which complainant Jatinder Singh and accused, namely, Gursewak, Jagroop Singh, Satnam Singh and Paramjit 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 he 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, in original, 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.

It is a case of run away couple where though at the time of marriage, the wife had not attained the age of marriage as such her father had lodged F.I.R. in the matter but now her father, who is complainant in the case has also reconciled stating that he has no objection if F.I.R. along with ancillary proceedings are quashed. Since the spouses are residing together

and father and natural guardian of the wife has given his consent in order to enable the spouses to lead happy married life to promote peace and tranquility in the society, in the interest of justice, the petition deserves to be allowed.

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

August 08, 2018
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No