

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No.13491 of 2018 (O&M)

Date of decision : 6.8.2018

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Harwinder Singh and others

.....Petitioners

vs.

The State of Punjab and others

.....Respondents

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

Present: Mr. Achin Gupta, Advocate
for the petitioners.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

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H. S. Madaan, J. (Oral)

Petitioners - Harwinder Singh and others have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 76 dated 17.6.2017, for offences under Sections 307, 498-A, 406, 323, 34 IPC, registered at Police Station Sadar, Faridkot, District Faridkot, against them, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Harjeet Kaur and another - arrayed as respondents No.2 and 3.

When the petition came up for hearing on 2.4.2018, notice of motion was ordered to be issued. The respondent No. 1 - State of

Punjab through State counsel, whereas respondents No.2 and 3 through Mr. N.K. Manchanda, 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 Sessions Judge, Faridkot, in terms of which complainant Harjeet Kaur and her father Surjeet Singh and accused, namely, Harwinder Singh, Baldev Singh @ Debi, Sukhwinder Kaur and Ravinder 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 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 statements of the complainant party and the accused party, in original, have been annexed.

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

The matter has since been reconciled and complainant Harjeet Kaur has returned to her matrimonial home where she is residing with her husband Harwinder Singh. It is stated that challan

has since been filed in the trial Court, which is at preliminary stage.

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

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No