

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

CRM-M-16512 of 2016 (O&M)

Date of decision: 15.03.2018

Jaimal Singh and another

..... Petitioners.

vs.

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Mandeep Kaur Kahlon, Advocate, for the petitioners.

Mr. Abhaypal Singh Gill, AAG, Punjab.

Mr. D.S.Kahlon, Advocate
for respondent No.2.

ARVIND SINGH SANGWAN, J.

Prayer in this petition is for quashing of FIR No. 53 dated 30.05.2015, under Section(s) 420/34 IPC, registered at Police Station City Gurdaspur, Tehsil and District Gurdaspur, alongwith all consequential proceedings arising out of the same, on the basis compromise/affidavit dated 30.04.2016.

Vide order dated 13.05.2016, the parties were directed to appear before the trial Court to get their statements recorded to the satisfaction of the trial Court and the trial Court was directed to submit its report.

The trial Court, vide letter dated 01.06.2016, sent through District & Sessions Judge, Gurdaspur, vide letter dated 03.06.2016, has submitted its report that both the petitioners i.e. Jaimal Singh and Gurmukh Singh alongwith one Surjit Singh (stating himself to be Power of Attorney of respondent No.2-Pawandeep Singh) have appeared on 27.05.2016 and after verifying their identities, statements have been recorded. Further Surjit

Singh, who is father of respondent No.2- Pawandeep Singh, has stated that his son Pawandeep Singh has no objection in case the FIR is quashed by this Court, however, he did not produce any writing authorizing him by his son to make a statement regarding compromise.

In view of the same, on 28.02.2018, the parties were directed to appear before the Mediation and Conciliation Centre of this Court with a direction that Surjit Singh, father of respondent No.2- Pawandeep Singh, will produce an authority letter from his son.

In pursuance of the said direction, Surjit Singh, has appeared before the Mediator on today itself and has recorded his statement that he has brought a copy of certificate sent by his son Pawandeep Singh, who is presently residing in New Zealand, via e-mail, authorizing his father Surjit Singh to act on his behalf and make statement regarding compromise in the present FIR.

Since, respondent No.2 has effected a compromise through his father, whose statement has been recorded by the trial Court as well as before the Mediation and Conciliation Centre of this Court, it is apparent that the parties have resolved their dispute and they have entered into a valid and legal compromise and decided to live in peace and not to litigate the case against each other in future. As per the Full Bench judgment of this Court rendered in **Kulwinder Singh and others Vs. State of Punjab, 2007 (3) RCR (Criminal) 1052**, it is held that:-

“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". Disputes which

have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under [Section 482](#) of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.

The only inevitable conclusion from the above discussion is that there is no statutory bar under the [Cr.P.C.](#) which can affect the inherent power of this Court under [Section 482](#). Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under [Section 320](#) of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.

The power under [Section 482](#) of the Cr.P.C. is to be exercised Ex-Debitia Justitia to prevent an abuse of process of Court. There can neither be an exhaustive list nor the defined para-meters to enable a High Court to invoke or exercise its inherent powers. It will always depend upon the facts and circumstances of each case. The power under [Section 482](#) of the Cr.P.C. has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The exercise of power has to be with circumspection and restraint. The Court is a vital and an extra-ordinary effective instrument to maintain and control social order. The Courts play role of paramount importance in achieving peace, harmony and ever-lasting congeniality in society. Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the

immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.”

In view of the above, the FIR No. No. 53 dated 30.05.2015, under Section(s) 420/34 IPC, registered at Police Station City Gurdaspur, Tehsil and District Gurdaspur and all other consequential proceedings arising out of the same, are ordered to be quashed qua the petitioners, subject to payment of costs of ₹10,000/- to be deposited with the District Legal Services Authority, Gurdaspur. Payment of costs shall be a pre-condition for the trial Court to consign the file to the record room.

Disposed of.

15.03.2018
smriti

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No