

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

CRM-M No.15606 of 2017 (O&M)
Date of Decision: 26.02.2018

Tejinder Singh @ Neeta and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

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

Present: Mr. Prateek Pandit, Advocate for the petitioners.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

Mr. K.B. S. Mann, Advocate for
Mr. Amit Kochar, Advocate
for respondent Nos.2 to 4.

H.S. Madaan, J. (Oral)

Petitioners - Tejinder Singh @ Neeta and others have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 153 dated 25.11.2016 (Annexure P-1), for offences under Sections 452, 323, 506, 148, 149 IPC (offence under Section 325 IPC added lateron), registered at Police Station Sadar, District Kapurthala, against them, along with consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Karampal Singh, Surinder Kaur and Sukhman Gill- arrayed as respondent Nos.2 to 4.

When the petition came up for hearing on 04.05.2017, notice of motion was ordered to be issued. The respondent No. 1 - State of

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Punjab through State counsel, whereas respondent Nos.2 to 4 through Mr. Amit Kochar, 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 Additional Chief Judicial Magistrate, Kapurthala, in terms of which complainant Karampal Singh and others and accused, namely, Tejinder Singh @ Neeta, Sukhninderjit Singh, Swaran Kaur @ Swarni, Jaswant Singh, Sukhwinder Kaur @ Sukho, Baljeet Kaur @ Reena, Gurpreet Singh @ Ballu and Sukhdev Singh @ Sukha, 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. Along with the report statements of the complainant party and all the accused have been annexed.

I have heard learned counsel for the petitioners, 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

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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 along with ancillary proceedings are hereby quashed.

[H.S MADAAN]
JUDGE

February 26, 2018
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Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No