

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

CRM-M No. 16814 of 2018

DATE OF DECISION :- August 21, 2018

Mohinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present:- Ms. Karamjot Kaur, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

Mr. Rajesh Kapila, Advocate for respondent no. 2.

Petitioner Mohinder Singh has brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 100 dated 26.9.2013, for offences under Sections 406, 498-A IPC, registered at Police Station Women Cell, Ludhiana, against him, alongwith all consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between him and complainant Mamta Rani alias Mamta-arrayed as respondent No.2.

It is stated that challan has since been filed. A petition under Section 13-B of the Hindu Marriage Act filed by spouses is pending and is fixed for recording statement on second motion.

When the petition came up for hearing on 24.4.2018, notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab

through State counsel, whereas respondent No.2 through Mr. Rajesh Kapila, 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/Illaq Magistrate to get their statements recorded with regard to compromise and the trial Court/Illaq Magistrate was directed to send a report to this Court.

Report has been received from Judicial Magistrate Ist Class, Ludhiana, in terms of which complainant Mamta Rani alias Mamta and accused, namely, Mohinder Singh, 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 the accused, in original, have been annexed.

I have heard learned counsel for the petitioner, 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

August 21, 2018

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No