

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-18949 of 2017 (O&M)

Date of decision : 16.5.2018

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Lahimber Singh and others

.....Petitioners

vs.

State of Punjab and others

.....Respondents

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

Present: Mr. I.P.S. Mangat, Advocate for the petitioners.

Mr. Rakeshinder Singh Sidhu, Assistant Advocate General,
Punjab.

Ms. Harmeet Kaur, Advocate for
Ms. Harpreet Kaur, Advocate for respondents No. 2 and 3.

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H. S. Madaan, J.

Petitioners - Lahimber Singh and others have brought the instant petition under Section 482 Cr.P.C. for quashing of Cross case registered under Sections 324, 323, 341, 148, 149 IPC vide DDR No. 018 dated 4.12.2016 in FIR No. 235 dated 2.12.2016, registered at Police Station Shahkot, against them, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between the parties in both FIR and cross version.

A copy of compromise deed is placed on the file as Annexure

P-2. Affidavits of the complainants, namely, Ajmer Singh and Amandeep Singh and accused namely, Lahimber Singh, Sukhdev Singh and Gurwinder Singh, to this effect have also been placed on the file, in which they have admitted to have entered into a compromise, due to the intervention of the Panchayats of both the village. Further it is stated that they have no objection if the FIR and cross case in question is quashed by this Court.

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

It is stated that challan has not been filed so far in this case.

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.

16.5.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No