

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

CRM-M No. 20982 of 2017

DATE OF DECISION :- February 12, 2018

Avinash Kumar and others

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Kulwant Singh, Advocate for the petitioners.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

Avinash Kumar and others have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 94 dated 21.4.2017, for offences under Sections 382, 365, 506, 148, 149 IPC, registered at Police Station Sadar Jagraon, District Ludhiana, against them, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainants Sarabjit Singh and Gurjinderpal Singh- arrayed as respondents No.2 and 3.

When the petition came up for hearing on 02.06.2017, notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab appeared through State counsel. 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 SDJM, Jagroan, in terms of which complainants Sarabjit Singh and Gurjinderpal Singh and accused, namely, Avinash Kumar and Sardari Lal, 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 complainants 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 complainants 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. The State counsel has informed that challan has not been filed in this case so far. In **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, 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*”. 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 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

February 12, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No