

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

CRM-M No. 23149 of 2017

DATE OF DECISION :- February 02, 2018

Kulwant Singh and another

...Petitioners

Versus

The State of Haryana and another

...Respondents

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

Present:- Mr. L.S. Lakhanpal, Advocate for the petitioners.

Mr. Gaurav Bansal, AAG, Haryana.

Mr. J.S. Mahal, Advocate
for Mr. Amandeep Sibia, Advocate for respondent no. 2.

Petitioners Kulwant Singh and Arashdeep Singh have brought the instant petition under Section 482 Cr.P.C. for quashing of F.I.R No. 221 dated 9.5.2017 under Sections 323/452/506/34 of the Indian Penal Code registered at Police Station Ambala City, District Ambala against them, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Bali Ram- arrayed as respondent No.2.

On notice, State of Haryana appeared through its Assistant Advocate General whereas respondent no. 2 appeared through his counsel.

Counsel appearing on behalf of complainant-respondent no.2 admitted the factum of compromise between the parties, as such parties were directed to put in appearance before Illaqa Magistrate/concerned Court having jurisdiction over Police Station Ambala City, District Ambala within

15 days from receipt of certified copy of the order to get their statements recorded and then Illaqa Magistrate/concerned Court was required to send report to this Court. It was so done by order dated July 05, 2017. The parties put in appearance before CJM, Ambala, who has sent his report to the effect that parties had come present and suffered statements voluntarily, without any pressure regarding compromise effected between them and that compromised the residue with the intervention of respectable of locality and family members.

Complainant Bali Ram in his statement recorded before CJM, Ambala has admitted the factum of compromise having been arrived at between the parties with the intervention of respectables of locality and family members.

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

Keeping in view the fact that 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*”. 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 the 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 F.I.R. along with ancillary proceedings are hereby quashed.

(H.S. MADAAN)
JUDGE

February 02, 2018

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Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No