

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

CRM-M No. 24671 of 2018

DATE OF DECISION :- September 10, 2018

Jasvir Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondent

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

Present:- Mr. Priyanshu Kamra, Advocate for the petitioners.

Mr. Akash Sethi, Advocate
for Mr. Pankaj Garg, Advocate for respondent no. 2.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

Petitioners – Jasvir Singh and others have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 146 dated 14.9.2013, for offences under Sections 323, 354, 452, 506, 34 IPC, registered at Police Station Chamkaur Sahib, District Roopnagar, against them, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Harjot Kaur - arrayed as respondent No.2.

The MLR is of Harjot Kaur only. It is stated that in the charge sheet served by the trial Court accused have been charge sheeted for causing injuries to Harjot Kaur only.

When the petition came up for hearing on 1.6.2018, notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab through State counsel, whereas respondent No.2 through Mr. Akash Sethi,

Advocate for Mr. Pankaj Garg, 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 Judicial Magistrate Ist Class, Rupnagar, in terms of which complainant Harjot Kaur and accused, namely Jasvir Singh, Jaspal Singh and Gurmail Singh @ babla 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 all the accused, in original, have been annexed.

I have heard learned counsel for the petitioners, learned counsel for the complainant 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

September 10, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No