

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 25244 of 2017 (O&M)

Date of decision : 23.2.2018

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Shamsher Singh

.....Petitioner

vs.

State of Punjab and others

.....Respondents

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

Present: Ms. Harneet Kaur, Advocate for
Ms. Jatinder Jit Kaur, Advocate for the petitioner.

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

Mr. I.P.S. Mangat, Advocate for respondents No. 2 and 3.

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H. S. Madaan, J. (Oral)

CRM-6695-2018 has been filed for placing on record
Affidavit of respondent No.3 Davinder Singh as Annexure P-8,
admitting the factum of compromise having been affected between
the parties.

The application is allowed. Affidavit Annexure P-8 is taken
on record, subject to all just exceptions.

Main case

Petitioner – Shamsher Singh has brought the instant petition

under Section 482 Cr.P.C. for quashing of FIR No. 235 dated 2.12.2016 , for offences under Sections 325, 323, 379 (no longer an offence), 506, 148, 149 IPC, registered at Police Station Shahkot, against him, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between him and complainant Lehmbar Singh and Davinder Singh - arrayed as respondents No.2 and 3

When the petition came up for hearing on 18.7.2017, notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab through State counsel, whereas respondents No.2 and 3 through Mr. I.P.S. Mangat, 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 Illaqa Magistrate to get their statements recorded with regard to the compromise and the Illaqa Magistrate was directed to send a report to this Court.

Report has been received from Judicial Magistrate Ist Class, Nakodar, in terms of which complainant Lehmber Singh and accused, namely, Shamsheer Singh and Gurdev Kaur (mother of respondent No.3 Davinder 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 he 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.

Affidavit of Davinder Singh – respondent No.3 has been filed admitting the compromise.

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 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.

23.2.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No