

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 26780 of 2017 (O&M)

Date of decision : 3.4.2018

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Vijay Kumar and another

.....Petitioners

vs.

State of Punjab and others

.....Respondents

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

Present: Mr. Dilpreet Singh Gandhi, Advocate
for the petitioners.

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

Mr. Bhavesh Aggarwal, Advocate for respondents No. 2 & 3.

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H. S. Madaan, J. (Oral)

Petitioners – Vijay Kumar and another have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 75 dated 7.5.2015, for offences under Sections 307, 323, 506, 34 IPC, registered at Police Station Sadar, District Amritsar, against them, alongwith consequential proceedings arising therefrom, on the basis

of compromise, stated to have been effected between them and complainant Sham Khanna and another - arrayed as respondents No.2 and 3.

When the petition came up for hearing on 28.7.2017, 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 Ms. Arti Kataria, 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 Additional Chief Judicial Magistrate, Amritsar, in terms of which complainant Sham Khanna and Vijay Kumar Khanna and accused, namely, Vijay Kumar and Munna, 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 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. Alongwith the report copies statements of the complainant party and both the accused, have been annexed.

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

The dispute is between the neighbours, which has since been resolved with intervention of respectable persons of the locality. The police is said to have prepared a cancellation report which though is yet to get the final approval of SSP. It being so, there are little chances of the trial ending in conviction. It is doubtful as to whether offence under Section 307 IPC is made out. 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.

3.4.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No