

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1) CRM-M-29438 of 2017 (O&M)
Date of decision : 22.1.2018

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Harbans Singh and others

.....Petitioners

vs.

State of Punjab and others

.....Respondents

2) CRM-M-29432 of 2017 (O&M)

...

Harjinder Singh and others

.....Petitioners

vs.

State of Punjab and others

.....Respondents

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

Present: Mr. A.S. Manaise, Advocate
(for the petitioners in CRM-M-29438-2017 and
for respondents No.2 and 3 in CRM-M-29432-2017)

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

Mr. Gagandeep Singh Manku, Advocate
(for the petitioners in CRM-M-29432-2017 and
for respondents No.2 to 4 in CRM-M-29438-2017)

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H. S. Madaan, J. (Oral)

By this common order, I intend to dispose of CRM-M-29438-2017 and CRM-M-29432-2017, as both the petitions have arisen from the same FIR.

Petitioners – Harbans Singh and others have filed CRM-M-29438-2017 under Section 482 Cr.P.C. for quashing of FIR No. 88

dated 23.12.2008 for offences under Sections 324, 323, 148, 149 IPC, registered at Police Station Dera Baba Nanak, District Batala, against them, whereas petitioners Harjinder Singh and others have filed CRM-M-29432-2017, for quashing of cross case in the abovesaid FIR, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between both the parties.

When the petitions came up for hearing on 11.8.2017, notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab through State counsel, 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 CJM/Illaq Magistrate to get their statements recorded with regard to compromise and the CJM/Illaq Magistrate was directed to send a report to this Court.

Report has been received from Judicial Magistrate Ist Class, Batala, in terms of which Harbans Singh, Harwant Singh, Daljit Singh, Dilbagh Singh, Palwinder Singh and Sukhwinder Singh (accused in CRM-29438-2017 and complainant party in CRM-M-29432-2017) and Harjinder Singh, Davinder Singh s/o Gurdev Singh, Davinder Singh s/o Sohan Singh and Kanwaljit Singh (accused in CRM-29432-2017 and complainant party in CRM-29438-2017) 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 both parties have stated that they have no objection if the FIR in question and its cross case is quashed by this

Court. There is nothing on record to doubt the genuineness of the compromise so arrived at between the parties. It is further reported that accused Sukhdev Singh had died on 21.10.2016. Alongwith the report copies of statements of both the parties, have been annexed.

I have heard learned counsel for the petitioners, 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 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, both the petitions are allowed and the abovesaid FIR and its cross case alongwith ancillary proceedings are hereby quashed.

(H.S. Madaan)
Judge

22.1.2018

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Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No