

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

CRM-M No. 30858 of 2017

DATE OF DECISION :- February 15, 2018

Makhan Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. R.K. Girdhar, Advocate for the petitioners.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

Makhan Singh and others have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 61 dated 10.6.2010, for offences under Sections 294/341/432/427/379/504/506/148/149 IPC, registered at Police Station Bariwala against them, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainants Jaswinder Singh, Iqbal Singh, Sukhwinder Singh, Jagjeet Singh, Inderjit Singh, Harbans Singh, Guraditta Singh, Pritam Singh, Sharandeep Singh, Jang Singh, Jagdev Singh, Jagsir Singh and Gurmail Singh arrayed as respondents no. 2 to 6 and 8 to 15. Complainant-respondent no. 7 Nirmal Singh son of Buta Singh is stated to have died.

When the petition came up for hearing on 23.8.2017, notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab

through State counsel. Then in light of the contention that parties have since effected compromise, they were directed to put in appearance before the trial Court/Ilaqa Magistrate to get their statements recorded with regard to compromise and the trial Court/Ilaqa Magistrate was directed to send a report to this Court.

Report has been received from JMIC, Sri Muktsar Sahib, in terms of which complainant Jaswinder Singh and others and accused, namely, Makhan Singh, Satpreet Singh, Pal Singh, Baljeet Singh, Bikkar Singh, Karamtej Singh and Manpreet 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 complainants 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. It has been reported that no accused has been declared proclaimed offender in the FIR in question. Alongwith the report statement of the complainants and all the accused have been annexed.

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

State counsel has informed that cancellation report with regard to the FIR had been prepared but it has not been filed in the Court so far. He has informed that Nirmal Singh respondent has died in January 2013, whereas Bikar Singh has expired on 15.2.2018.

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, the petition is allowed and the abovesaid FIR alongwith ancillary proceedings are hereby quashed.

(H.S. MADAAN)
JUDGE

February 15, 2018
p.singh

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No