

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1) CRM-M No. 31103 of 2017 (O&M)
Date of decision : 1.3.2018

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Sarabjot Singh and another

.....Petitioners

vs.

U.T., Chandigarh and another

.....Respondents

2) CRM-M No. 1176 of 2018 (O&M)

...

Rajnath and another

.....Petitioners

vs.

U.T., Chandigarh and another

.....Respondents

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

Present: Mr. Sonpreet Singh Brar, Advocate
for the petitioners in both the cases.

Ms. Ashima Mor, Advocate for U.T. Chandigarh.

Mr.Saurav Kanojia, Advocate for respondent No.2
in both the cases.

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H. S. Madaan, J. (Oral)

Vide this order, I intend to dispose of two petitions under
Section 482 Cr.P.C. for quashing of FIR No. 290 dated 16.7.2007, for
offences under Sections 420, 120-B IPC, registered at Police Station

Manimajra, Chandigarh, order of framing of charge under Section 420 IPC, against Sarabjot Singh and Rupinder Singh Brar (petitioners in CRM-M-31103-2017) and Rajnath and Surinder Nath (petitioners in CRM-M-1176-2018), alongwith consequential proceedings arising therefrom, qua the petitioners, on the basis of compromise, stated to have been effected between them and complainant Col. Rakesh Mehta through his power of attorney holder Col Raj Kumar Singh - arrayed as respondent No.2.

When the petition came up for hearing on 25.8.2017, notice of motion was ordered to be issued. The respondent No. 1 – Union Territory, Chandigarh through counsel, whereas respondent No.2 through Mr. Karandeep S. Sidhu, Advocate, had put in appearance. Then in light of the contention that parties have since effected a 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, Chandigarh, in both the cases in terms of which complainant Lt. Col Raj Kumar Singh as well as power of attorney holder on behalf of the complainants Col. S.S. Klair and Col. R.K. Mehta and others and accused, namely, Sarabjot Singh, Rupinder Singh Brar, Rajnath and Surinder Nath, 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, qua the petitioners. It is further stated that accused Gurmail Singh had not entered into compromise with the complainant. 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 copies of statements of the complainant and the accused, have been annexed.

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

The 5th accused, namely, Gurmail Singh, was tried by the Court and acquitted by the trial Court vide judgment dated 29.9.2017, copy of which has been made part of 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, both the petitions are allowed and the abovesaid FIR alongwith ancillary proceedings are hereby quashed, qua the petitioners.

1.3.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No