

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1) CRM-M No. 38701 of 2016 (O&M)
Date of decision : 30.1.2018

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Sarabjit Singh and others

.....Petitioners

vs.

State of Punjab and another

.....Respondent

2) CRM-M No. 38818 of 2016 (O&M)

...

Jagjit Singh @ Jassu and others

.....Petitioners

vs.

State of Punjab and another

.....Respondent

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

Present: Mr. J.S. Mahal, Advocate for the petitioners
in CRM-M-38701-2016 and for respondent No.2
in CRM-M-38818-2016

Mr. Ramandeep Sandhu, Senior Deputy Advocate General,
Punjab.

Mr. G.S. Manku, Advocate for respondent No.2
in CRM-M-38701-2016 and for the petitioners
in CRM-M-38818-2016

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H. S. Madaan, J. (Oral)

CRM-2928-2018 in
CRM-M-38701-2016

This is an application for placing on record affidavit of
petitioner No.4 – Sukhwinder Singh @ Kala.

Sukhwinder Singh @ Kala is present in Court, he admits the factum of the matter having been compromised between the parties and his furnishing of his affidavit. It be taken on record.

The application is allowed.

CRM-M-38701-2016 and
CRM-M-38818-2016

Vide this judgment, I intend to dispose of CRM-M-38701-2016 and CRM-M-38818-2016 as both the petitions have arisen out of the same FIR.

Petitioners – Sarabjit Singh and others have filed CRM-38701-2016 under Section 482 Cr.P.C. for quashing of FIR No. 32 dated 22.6.2016, for offences under Sections 324, 323, 506, 34 IPC, registered at Police Station Kalanaur, District Gurdaspur, whereas petitioners - Jagjit Singh @ Jassu and others, have filed CRM-M-38818-2016 for quashing of cross version recorded vide GD No. 26 dated 22.6.2016 for offences under Sections 324, 323, 506, 34 IPC registered at Police Station Kalanaur, District Gurdaspur, in the abovesaid FIR, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them.

When the petitions came up for hearing, notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab through State counsel, whereas respondent No.2 through Mr. G.S. Manku, Advocate (in CRM-M-38701-2016) and Mr. J.S. Mahal, Advocate (in CRM-M-38818-2016), 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 compromise and the Illaqa Magistrate was directed to send a report to this Court.

Report has been received from Judicial Magistrate Ist Class, Gurdaspur, in terms of which Sarabjit Singh, Amrik Singh and Satinder Singh (accused in CRM-M-38701-2016 and complainant in CRM-M-38818-2016) and Jagjit Singh @ Jassu, Jagmohan Singh, Amarbir Singh @ Amarvir Singh and Narinder Singh (accused in CRM-M-38818-2016 and complainant in CRM-M-38701-2016), 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 they have stated that they have no objection if the FIR in question and its cross version 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 copies of statements of the complainant party and accused, have been annexed. Affidavit of Sukhwinder Singh @ Kala (petitioner No.4 in CRM-M-38701-2016) has been placed on file to the effect that matter has been compromised between the parties.

I have heard learned counsel for the parties, 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 version, alongwith ancillary proceedings are hereby quashed.

(H.S. Madaan)
Judge

30.1.2018	Whether speaking / reasoned	Yes / No
chugh	Whether reportable	Yes / No