

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

278 CRM-M- 38395 of 2017 (O&M)
DATE OF DECISION :- August 13, 2018

Sumit Sharma and others

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Vikram Anand, Advocate
for the petitioners.

Ms. Samina Dhir, DAG, Punjab.

Mr. Mann Loona, Advocate for
Mr. Sanjiv Bishnoi, Advocate
for respondent No.2 and 3.

Petitioners-Sumit Sharma, Sat Prakash and Chanchala have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 46 dated 28.03.2011 for offences under Sections 363, 366 and 120-B IPC, registered at Police Station Division No. 8, Jalandhar (Annexure P-1), against them, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainants, namely, Sham Sunder Kapoor and Neha Sharma- arrayed as respondents No.2 and 3 respectively.

When the petition came up for hearing on 30.10.2017, 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 Mr. Sanjiv Bishnoi, 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 Judicial Magistrate First Class, Jalandhar in terms of which Sumit Sharma, Sat Prakash and Chanchala accused and complainant namely, Sham Sunder Kapoor and Neha Sharma 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 had 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, in original, have been annexed.

I have heard learned counsel for the petitioners, learned State counsel, besides going through 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, the petition is allowed and the abovesaid FIR alongwith ancillary proceedings are hereby quashed.

(H.S. MADAAN)
JUDGE

13.08.2018

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Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No