

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

CRM-M-38888-2017

Date of decision:-15.1.2018

Ajit Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondent

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

Present : Mr. Umesh Kumar, Advocate for
Mr.Navjot Singh, Advocate
for the petitioners.

Mr.Rakeshinder Singh, AAG, Punjab.

H.S. MADAAN, J.(ORAL)

This is a petition under Section 482 Cr.P.C. seeking quashing of FIR No. 34 dated 19.6.2017 for the offences under Sections 326, 323, 506, 452, 427, 148 and 149 IPC, registered at Police Station Kotli Surat Malhi (Annexure P-1) on the basis of compromise.

When the petition came up for hearing on 23.10.2017, notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab appeared through Assistant Advocate General. Then in light of the contention that parties have since effected compromise, they were directed to put in appearance before the trial Court/Illaq Magistrate within 10 days of passing of order i.e. 23.10.2017 to get their statements recorded and trial Court/Illaq Magistrate was directed to make report as to its satisfaction and further to intimate if any of the parties to this petition has been declared as proclaimed offender.

Report dated 11.12.2017 from Judicial Magistrate Ist Class,

Batala has been received, in terms of which statements of complainant and those of accused were recorded there and they had admitted the factum of compromise having been arrived at between them, the same being voluntary and without any pressure. It has further been reported that no accused has been declared proclaimed offender and compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. Statement of complainant Usha Rani besides joint statement of the accused, namely, Ajit Singh @ Jit Singh, Vijay Kumar @ Vijay Singh, Harjit Kaur, Neha, Inderjit Singh and Vinay Kumar @ Avinash Singh have been enclosed in that regard.

I have heard learned counsel for the parties besides going through the record.

It is stated by learned counsel for the petitioners that dispute between the parties has since been resolved amicably between them and to enable them to live in peace and congenial atmosphere, the present petition be accepted.

The dispute between the parties has been resolved amicably, which appears to have been done voluntarily without any threat or coercion. 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

15.1.2018
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No