

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 40515 of 2017 (O&M)

Date of decision : 4.4.2018

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Om Parkash @ Sonu and another

.....Petitioners

vs.

State of Punjab and others

.....Respondents

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

Present: Mr. Aayush Gupta, Advocate for the petitioners.

Mr. Rakeshinder Singh Sidhu, Assistant Advocate General,
Punjab.

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H. S. Madaan, J. (Oral)

At the oral request of learned counsel for the petitioners,
Pratima @ Manju w/o Saudakar aged about 30 years, daughter of
Ram Chabbele, r/o Jabalpur, Sarpanch Colony, Ludhiana is ordered to
be impleaded as a party – respondent No.3.

Registry is directed to make necessary correction in the
memo of parties.

Petitioners – Om Parkash @ Sonu and another have brought
the instant petition under Section 482 Cr.P.C for quashing of FIR No.
57 dated 31.5.2015, for offences under Sections 406, 498-A IPC,
registered at Police Station Women Police Patiala, District Patiala,
against them, alongwith consequential proceedings arising therefrom,

on the basis of compromise, stated to have been effected between them and Pratima @ Manju - respondent No. 3 on one side and the complainant Preeti Kumari as respondent No.2 on the other side.

When the petition came up for hearing on 8.11.2017, notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab through State counsel, whereas respondent No.2 through Mr. A.S. Brar, 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 Ist Class, Ludhiana, in terms of which complainant Preeti Kumari and Pratima @ Manju and accused, namely, Om Parkash @ Sonu and Sushila Devi 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 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. Alongwith the report statements of the complainant party and both the accused, in original have been annexed.

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

It is a matrimonial dispute which has been amicably resolved through mediation. The marriage between the spouses i.e. complainant – Preeti Kumari and her husband Om Parkash @ Sonu – petitioner No.1. is stated to have been dissolved by a decree of divorce by mutual consent.

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.

4.4.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No