

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

CRM-M-43621-2015 (O&M)

Decided on: 31.07.2018

Rajesh Sharma and others

.... Petitioners

Versus

State of Punjab and another

..... Respondents

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

Present: Mr. Himanshu Monga, Advocate, for
Mr. Hemant Saini, Advocate,
for the petitioners.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

None for respondent No.2.

H.S. MADAAN, J (ORAL)

Petitioners – Rajesh Sharma & others have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 111 dated 09.12.2012, for offences under Sections 406 and 498-A of IPC, registered at Police Station Phase-11, Mohali, against them, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Neetu Sharma - arrayed as respondent No.2.

When the petition came up for hearing on 23.12.2015, notice of motion was ordered to be issued. 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 Chief Judicial Magistrate, SAS Nagar Mohali, through District and Sessions Judge, SAS Nagar, in terms of which accused Rajesh Sharma had appeared there and his statement was recorded, in terms of which he has admitted to have entered into a voluntary compromise, with free will, without any pressure, coercion or undue influence. However, the complainant and other accused had not come present to record their statements. There is nothing on record to doubt the genuineness of the compromise so arrived at between the parties. Alongwith the report statement of the accused-petitioner No.1, 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.

It is stated that challan has not been filed and FIR is at stage of investigation.

Learned counsel for the petitioners submits that marriage between the spouses has since been dissolved by a decree of divorce by mutual consent.

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

31.07.2018

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No