

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44060-2017

Date of Decision :- 05.07.2018

Kamlesh Kumari and others

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. H.S. Dhillon, Advocate, for
for the petitioners.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

Mr. Navin Saini, Advocate,
for respondents No.2 to 7.

H.S. MADAAN, J. (ORAL)

Petitioners – Kamlesh Kumari and others have brought the instant petition under Section 482 Cr.P.C. for quashing of DDR No. 18 dated 02.08.2012, for offences under Sections 324, 294, 506 and 34 of IPC, registered at Police Station Sohana, SAS Nagar in FIR No. 109 dated 01.08.2012, for offences under Sections 323, 341, 324, 354, 294, 148 and 149 of IPC, registered at Police Station Sohana, SAS Nagar, against them, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainants Surjit Singh @ Bagga, Gurdev Singh @ Dev, Gurdeep Singh @ Deep, Rajinder Singh @ Goga, Swaran Singh and Gurpreet Singh @ Pitti - arrayed as respondents No.2 to 7.

When the petition came up for hearing on 21.11.2017, 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 Additional Chief Judicial Magistrate, SAS Nagar (Mohali), through District and Sessions Judge, SAS Nagar, in terms of which complainants - Surjit Singh @ Bagga, Gurdev Singh @ Dev, Gurdeep Singh @ Deep, Rajinder Singh @ Goga, Swaran Singh and Gurpreet Singh @ Pitti and accused, namely, Kamlesh Kumari, Surinder Pal @ Babla, Narinder Pal and Yadwinder 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, threat or undue influence. Further complainants 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. 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 and 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 main FIR alongwith ancillary proceedings is said to have been already quashed vide order dated 24.10.2017 in CRM-M-20735-2017 by a Coordinate Bench of this Court and the present DDR is cross version of the incident recorded to the said FIR.

It is further stated that challan has since been filed and the case is fixed for prosecution evidence.

The compromise is in interest of peace and tranquility in the society and for such like reasons this Court can quash the DDR 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 DDR alongwith ancillary proceedings are hereby quashed.

(H.S. MADAAN)
JUDGE

05.07.2018
Dinesh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No