

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

CRM-M No. 44667 of 2017

DATE OF DECISION :- February 07, 2018

Harmandeep Singh Sidhu

...Petitioner

Versus

State of Punjab

...Respondent

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

Present:- Mr. Kamal Narula, Advocate for the petitioner.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

Harmandeep Singh Sidhu has brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 133 dated 24.6.2017, for offence under Section 420 IPC, registered at Police Station Civil Line Bathinda, District Bathinda, against him, along with consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between him and complainants Jasvir Dass and Buta Singh-arrayed as respondents Nos. 2 and 3.

When the petition came up for hearing on 11.12.2017, notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab appeared through State counsel. 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, Bathinda, in terms of which complainants Jasvir Dass, Buta Singh and accused, namely, Harmandeep Singh Sidhu, 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 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 accused has not been declared a proclaimed offender in the FIR in question. Along with the report, statement of the complainants and the accused have been annexed.

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

Keeping in view the fact that 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*”. 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 above said FIR along with ancillary proceedings are hereby quashed.

(H.S. MADAAN)
JUDGE

February 07, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No