

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 44671 of 2017 (O&M)

Date of decision : 6.8.2018

...

Sant Ram Kataria and others

.....Petitioners

vs.

State of Punjab and another

.....Respondents

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

Present: Mr. G.S. Brar, Advocate for the petitioners

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

...

H. S. Madaan, J.

Petitioners - Sant Ram Kataria and others have brought the instant petition under Section 482 Cr.P.C for quashing of criminal complaint under Sections 406, 498-A IPC and summoning order dated 2.4.2011 passed by the Court of Chief Judicial Magistrate, Jalandhar in case No. 169/1/2010 instituted on 30.4.2010, qua petitioners, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Harmesh Rani - arrayed as respondent No.2.

When the petition came up for hearing on 27.11.2017, notice

of motion was ordered to be issued. The respondent No. 1 - State of Punjab through State counsel, whereas respondent No.2 through Mr. Ankur Bansal, 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, Jalandhar, in terms of which complainant Harmesh Rani and accused, namely, Sant Ram Kataria, Lyudmila Kataria through attorney Sant Ram Kataria and Krishna 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 has stated that she has no objection if the complaint in question is quashed by this Court qua the petitioners. There is nothing on record to doubt the genuineness of the compromise so arrived at between the parties. It has been reported that accused Trishkova Kataria has been declared proclaimed offender in the FIR in question. Alongwith the report copies of statements of the complainant and the accused party, have been annexed.

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

There happen to be four accused in this case. Three of them have filed the present petition, whereas fourth one, who has been

declared proclaimed offender has not joined them in filing of the petition.

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 complaint 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 complaint alongwith ancillary proceedings are hereby quashed, qua the petitioners.

6.8.2018
chugh

(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No