

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1) CRM-M No. 45891 of 2017 (O&M)
Date of decision : 12.3.2018

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Take Singh and others

.....Petitioners

vs.

State of Punjab and others

.....Respondents

2) CRM-M No. 45927 of 2017 (O&M)

...

Balkar Singh and others

.....Petitioners

vs.

State of Punjab and others

.....Respondents

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

Present: Mr. Karandeep S. Sidhu, Advocate
for the petitioners in CRM-M-45891-2017,
for the respondents in CRM-M-45927-2017

Mr. Ajeetpal Singh, Advocate for
Mr. Sonpreet S. Brar, Advocate for the petitioners.
for the petitioners in CRM-M-45927-2017,
for the respondents in CRM-M-45891-2017

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

...

H. S. Madaan, J. (Oral)

CRM-8788-2018 in CRM-M-45891-2017 and
CRM-8905-2018 in CRM-M-45927-2017

Both the applications have been filed for placing on record
affidavit of Lovepreet Singh, injured, admitting the factum of

compromise between the parties.

Both the applications are allowed. Affidavits are taken on record.

Main petitions

Vide this order I intend to dispose of two petitions under Section 482 Cr.P.C. for quashing of FIR No. 30 dated 19.6.2017, for offences under Sections 379, 324, 427, 148, 149 IPC, registered at Police Station Amir Khas, against Take Singh and others (petitioners in CRM-M-45891-2017) and Rapat No. 15 dated 20.6.2017 for offences under Sections 379, 324, 451, 506, 148, 149 IPC in the above said FIR, against Balkar Singh and others (petitioners in CRM-M-45927-2017), alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them.

When the petitions came up for hearing on 4.12.2017, notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab through State counsel, whereas respondents No.2 to 7 through Mr. Sonpreet S. Brar, Advocate (in CRM-M-45891-2017), and respondents No. 2 and 6 through Mr. Karandeep S. Sidhu, Advocate (in CRM-M-45927-2017) 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 Illaqa Magistrate to get their statements recorded with regard to compromise and the Illaqa Magistrate was directed to send a report to this Court.

Report has been received from Judicial Magistrate Ist Class, Guruharsahai, in terms of which Balkar Singh, Gurbhaj

Singh, Harpreet Singh (minor) – through his father Balkar Singh, Subheg Singh, Balwinder Singh, Joginder Singh, (complainants in CRM-M-45891-2017 and accused in CRM-M-45927-2017) and Take Singh, Kala Singh @ Daljeet Singh, Harjeet Singh, Sewa Singh and Gursewak Singh (complainants in CRM-M-454927-2017 and accused in CRM-M-45891-2017), 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 they have stated that they have no objection if the FIR and the rapat in question are 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 further reported that none of the parties has been declared as proclaimed offender. Alongwith the report statements of the complainant party and accused party, in original, have been annexed.

I have heard learned counsel for the parties, 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.”

It has been observed that High Court has power to quash the prosecution in order to achieve the ends of justice and to prevent abuse of process of law. Though such powers are unlimited but those are to be exercised very sparingly and with utmost care and caution.

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, both the petitions are allowed and the

abovesaid FIR and rapat alongwith ancillary proceedings are hereby quashed, in both the cases.

12.3.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No