

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

**CRM-M No. 46327 of 2017**

**DATE OF DECISION :- September 10, 2018**

**Hardeep Inder Singh and others**

**...Petitioners**

**Versus**

**State of Punjab and others**

**...Respondents**

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

**Present:-** Mr. Sandeep Arora, Advocate for the petitioners.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

Mr. Arun Abrol, Advocate for respondents no. 2 and 3.

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Petitioners – Hardeep Inder Singh and others have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 123 dated 10.7.2017, for offences under Sections 406, 498A, 328, 120-B IPC, registered at Police Station City Gurdaspur against them, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Jasbir Singh- arrayed as respondent No.2.

It is stated that the F.I.R. is at the state of investigation. The marriage between Hardeep Inder Singh Cheema and Amandeep Kaur Cheema was dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act on 24.7.2018.

When the petition came up for hearing on 6.12.2017, notice of motion

was ordered to be issued. The respondent No. 1 - State of Punjab through State counsel, whereas respondents No.2 and 3 through Mr. Arun Abrol, 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 Chief Judicial Magistrate, Gurdaspur, in terms of which complainant-respondent no. 2 Jasbir Singh, respondent no. 3 Amandeep Kaur Cheema and accused, namely, Hardeep Inder Singh, Ranjit Singh, Harjit Kaur, Ramandeep Kaur and Kamalpreet Singh Grewal 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 he has 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 complainant and all the accused, in original, have been annexed.

I have heard learned counsel for the petitioners, learned counsel for respondents no. 2 and 3 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 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**

**September 10, 2018**  
*p.singh*

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No