

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 47719 of 2017 (O&M)

Date of decision : 22.2.2018

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Surinder Singh

.....Petitioner

vs.

State of Punjab and another

.....Respondents

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

Present: Mr. G.S. Bawa, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

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H. S. Madaan, J. (Oral)

Petitioner – Surinder Singh has brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 54 dated 31.3.2017, for offences under Sections 323, 427, 295, 148, 149 IPC, and Section 25 of the Arms Act, registered at Police Station Gate Hakima, Amritsar, District Amritsar, against him, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between him and complainant Mohit Madan - arrayed as respondent No.2.

When the petition came up for hearing on 10.1.2018, notice

of motion was ordered to be issued. The respondent No. 1 - State of Punjab through State counsel, whereas respondent No.2 through Mr. J.S. Mahal, Advocate for Ms. Manpreet Kaur, 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 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, Amritsar, in terms of which complainant Mohit Madan and accused, namely, Surinder Singh, 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 copies of statements of the complainant and the accused, , have been annexed.

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

Though the FIR has been registered under Section 25 of the Arms Act, but then a perusal of the FIR goes to show that it not clear as to whether the knife used was spring actuated attracting the

provisions of Section 25 of the Arms Act. Further more, the recovery of this weapon has not been effected from the accused during the investigation, as informed by the State counsel. Therefore, it is doubtful that offence under Section 25 of the Arms Act is made out. Furthermore ingredients of offence under Section 295 IPC are also not fulfilled in the instant case.

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.

22.2.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No