

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

**CRM-M No. 7937 of 2017**

**DATE OF DECISION :- May 30, 2018**

**Vinod Kumar and others**

**...Petitioners**

**Versus**

**State of Punjab and another**

**...Respondents**

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

**Present:-** Mr. Kamal Narula, Advocate for the petitioners.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

Mr. Piyush Sharma, Advocate for respondent no.2.

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Petitioners – Vinod Kumar and others have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 97 dated 30.4.2016, for offences under Sections 356/323/34 IPC, registered at Police Station Sadar Ferozepur against them, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Ravnik Mehta- arrayed as respondent No.2.

When the petition came up for hearing on 9.3.2017, notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab through State counsel, whereas respondent No.2 through Mr. Piyush Sharma, 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 Additional District & Sessions Judge, Ferozepur, in terms of which complainant Ravnik Mehta and accused, namely, Vinod Kumar, Ashu and Shivam, 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 the accused have been annexed.

I have heard learned counsel for the petitioners, 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.

It is stated that both the parties belong to same locality. The complainant is nephew of the petitioner No.1 and now they have compromised the matter. They want to live peaceful life in their area without keeping any grudge in their minds. There is another accused by name of Gaurav son of Moti who has not been joined in the petition. Though it is stated that the compromise is with all the accused but since he has not joined the petition, in my considered view compromise qua him cannot be allowed.

Accordingly, the petition is allowed qua the petitioners and the abovesaid FIR alongwith ancillary proceedings are hereby quashed.

**(H.S. MADAAN)**  
**JUDGE**

**May 30, 2018**  
*p.singh*

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No