

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7045-2018

Date of Decision :- 05.04.2018

Sukhraj Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Ms. Monika Palyal, Advocate, for
Mr. K.S. Bal, Advocate,
for the petitioners.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

None for respondent No.2.

H.S. MADAAN, J. (ORAL)

Petitioners – Sukhraj Singh and others have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 118 dated 24.08.2017, for offences under Sections 363, 365 and 120-B IPC, registered at Police Station Dhariwal, District Gurdaspur, against them, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Sukhjeet Kaur - arrayed as respondent No.2.

When the petition came up for hearing on 20.02.2018, notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab through State counsel, whereas respondents No.2 through Mr. Sourabh Arora, Advocate, had put in appearance. Then in light of the contention that parties have since effected compromise through Mediation and Conciliation Centre of this Court in terms of Settlement Agreement dated 17.01.2018 (Annexure P-2), 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 dated 19.03.2018 has been received from Chief Judicial Magistrate Gurdaspur through District and Sessions Judge, Gurdaspur, in terms of which complainant-Sukhjeet Kaur and accused, namely, Sukhraj Singh, Amarjeet Kaur, Kulwant Singh, Gurvinder Kaur @ Sapna and Kuljeet 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, threat 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 appearing for the petitioners 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

05.04.2018
Dinesh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No