

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

**CRM-M-7681-2018
Decided on: 01.08.2018**

Dhiru Dutt and others

.... Petitioners

Versus

State of Punjab and another

..... Respondents

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

Present: Mr. Tanmoy Gupta, Advocate
for the petitioners.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

Mr. Naveen Bawa, Advocate
for respondents No.2.

H.S. MADAAN, J (ORAL)

Petitioners – Dhiru Dutt & others have brought the instant petition under Section 482 Cr.P.C. for quashing of Diary No.36 dated 19.08.2017 under Sections 323, 342, 506 and 149 IPC in FIR No. 231 dated 19.08.2017, for offences under Sections 452, 354, 323, 506 and 149 of IPC, registered at Police Station Daba, District Ludhiana, against them, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Devanti Devi - arrayed as respondent No.2.

When the petition came up for hearing on 23.02.2018, notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab through State counsel, whereas respondent No.2 through Mr. Naveen Bawa, 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 Civil Judge (Jr. Divn.), Ludhiana, through District and Sessions Judge, Ludhiana, in terms of which complainant Devanti Devi and accused, namely, Dhiru Dutt, Suman Devi, Pooja Kumari, Urmila, Ramesh Kumar and Vishal 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 she has no objection if the Diary 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 case. 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 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.

It is stated that challan has not been filed so far and the FIR is at stage of investigation.

The compromise is in interest of peace and tranquility in the society and for such like reasons this Court can quash the Diary 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 Diary alongwith ancillary proceedings are hereby quashed.

(H.S. MADAAN)
JUDGE

01.08.2018

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No