

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 8063 of 2018 (O&M)

Date of decision : 1.5.2018

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Sunil Kumar

.....Petitioner

vs.

State of Punjab and another

.....Respondents

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

Present: Mr. Nikhil Batta, Advocate
for the petitioner.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

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H. S. Madaan, J.

Petitioner – Sunil Kumar has brought the instant petition under Section 482 Cr.PC. for quashing of FIR No. 119 dated 20.6.2014, for offences under Sections 381/120-B IPC, registered at Police Station Sadar, Patiala, qua him only, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between him and complainant Jatinder Pal Singh-arrayed as respondent No.2.

The allegations against the petitioner are only with regard to selling of drawings to other factory after stealing the drawings from the factory of the complainant. Only the present petitioner has been sent up to face trial, while the co-accused Sarwan Tiwari is stated to have been declared as proclaimed offender and challan against other co-accused Vikram Singh has not been filed under Section 173 Cr.P.C.

When the petition came up for hearing on 26.2.2018, notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab through State counsel, whereas respondent No.2 through Mr. P.S. Miglani, 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 Judicial Magistrate Ist Class, Patiala, in terms of which complainant Jatinder Pal Singh and accused, namely, Sunil Kumar 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 qua accused Sunil Kumar. There is nothing on record to doubt the genuineness of the compromise so arrived at between the parties. Alongwith the report copies of statements of the complainant

and the accused Sunil Kumar, have been annexed.

I have heard learned counsel for the petitioner, 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, qua petitioner - Sunil Kumar only.

1.5.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No