

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

CRM-M-3759-2020 (O&M)

Date of decision: 02.03.2020

Jasbir Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present: Mr. R.D. Sharma, Advocate for the petitioners.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

Mr. Joginder Siwach, Advocate for respondents No.2 & 3.

H.S. MADAAN, J. (Oral)

CRM-7901-2020

This is an application for placing on record reply on behalf of respondents No.2 & 3. Heard. Allowed subject to all just exceptions.

Reply be taken on record.

Main Case

Petitioners – Jasbir Singh and another have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 0086 dated 28.12.2019, for offences under Sections 420, 406, 120-B IPC and Section 24 of Emigration Act, registered at Police Station Sadar Pathankot, District Pathankot, against them, along with consequential proceedings arising therefrom, on the basis of compromise, stated to have

been effected between them and complainants Satnam Singh and Surinder Pal- arrayed as respondents No.2 & 3 respectively.

When the petition came up for hearing on 29.01.2020, notice of motion was ordered to be issued. Respondents No.2 & 3 through Mr. Joginder Siwach, Advocate had put in appearance. Then in light of the contention that parties have since effected compromise, respondents No.2 & 3 were directed to file reply as to whether any compromise has taken place, in terms of which, the reply has been filed to the effect that complainants Satnam Singh and Surinder Pal have admitted to have entered into a voluntary compromise with the petitioners. Further, the complainants have stated that they have 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.

I have heard learned counsel for the parties 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 Anr.** 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 above said FIR along with ancillary proceedings are hereby quashed.

02.03.2020
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(H.S. MADAAN)
JUDGE

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