

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

CRM-M-11580 of 2019

DATE OF DECISION :- February 05, 2020

Ishwar Singh @ Ishwar Sharma

...Petitioner

Versus

State of Punjab and another

...Respondent

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

Present:- Mr. Raman Mohinder Sharma, Advocate for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Mr. Deshpreet Singh, Advocate for respondent No. 2.

H.S. MADAAN, J. (Oral)

Petitioner Ishwar Singh @ Ishwar Sharma has brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 0156 dated 13.7.2018, for offences under Sections 420 IPC and 13 of Punjab Prevention of Human Smuggling Act, 2012, registered at Police Station Civil Lines, District Patiala, against him, along with consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between him and complainant Harpal Singh- arrayed as respondent No.2.

When the petition came up for hearing on 13.3.2019, notice of motion was ordered to be issued. Respondent No. 1 - State of Punjab

through State counsel, whereas respondent No.2 through Mr. Despreet Singh, 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/Area Judicial Magistrate to get their statements recorded with regard to compromise and was directed to send a report to this Court.

Report has been received from Judicial Magistrate Ist Class, Patiala, in terms of which complainant Harpal Singh and accused, namely, Ishwar Singh @ Ishwar Sharma had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, without any fear and inducement. Further, the 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. Along with the report statement of the complainant and the accused, have been annexed.

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 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 above said FIR along with ancillary proceedings are hereby quashed.

(H.S. MADAN)
JUDGE

February 05, 2020

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No