

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

CRM-M-14408 of 2020

DATE OF DECISION :- November 19, 2020

Shintu Kumar @ Shintu and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Ms. Shivya Sehgal, Advocate for the petitioners.

Mr. Randhir Thind, DAG, Punjab.

The case has been taken up through Video Conferencing.

Petitioners Shintu Kumar @ Shintu and others have brought the instant petition under Section 482 Cr.P.C. for quashing of F.I.R. No. 231 dated 13.9.2018 for offence under Sections 380, 451, 341, 323, 427, 506, 34 IPC, registered at Police Station Civil Lines, District Patiala, against them, along with consequential proceedings arising therefrom, on the basis of compromise in the form of affidavit dated 16.9.2019 (Annexure P2), stated to have been effected between them and complainant Jarnail Singh- arrayed as respondent No.2.

The F.I.R. in question was registered on the basis of statement of Jarnail Singh son of Ajmer Singh, resident of 50, New Kartar Colony, Ablowal Road, Patiala, aged about 68 years, who in his statement made to the police stated that he has got a shop in Baazigar Basti, Nabha Road,

Patiala, which he is running under the name and style of Bhangu Karyana; that his grandson Lovepreet Singh son of Sukhwinder Singh sits in that shop. He also sits there. Pintu son of Balvir Singh had been taking material from his shop on credit basis. On 25.8.2018, while the complainant and his grand son were sitting in the shop then Lovepreet Singh told the complainant that in the morning when he had opened the shop then Pintu had came to take material and when Lovepreet Singh asked him for payment of earlier due amount of Rs.300, then Pintu stated that he would come shortly and give the money but he did not return. After some time, Lovepreet Singh went home while complainant was sitting at the shop and the time was about 9.30 P.M. Kala son of Sadhu Singh and his nephews namely Pintu, Shintu and Suhi sons of late Balvir Singh, resident of Baazigar Basti, Puli No. 2 came there and enquired regarding Lovepreet Singh stating that why he as asking for payment of money. The complainant told them that they could make the payment later on. Hearing that Kala along with Pintu, Shintu and Suhi assaulted the complainant and gave beatings to him. Kala gave a brick blow on left knee of the complainant whereas Pintu, Shintu and Suhi threw the complainant on the ground. Then all the assailants gave slaps, fist and legs blows to the complainant and tore his clothes. Suhi threw a brick on the board towards left portion of their house resulting in glass pane being broken. On Lalkara being raised by Kala to Shintu to take out money from the cash box, Shintu took Rs.4200/- from the shop of the complainant. On an alarm being raised by the complainant and people started gathering, the assailants ran away from the spot and threatened the complainant that if he demand money again then he would be

killed.

After registration of the F.I.R. the investigation in the case started. The accused were arrested in this case. The case is stated to be at the stage of investigation and the challan is yet to be filed.

When the petition came up for hearing on 9.6.2020, notice of motion was ordered to be issued. Respondent No. 1 - State of Punjab through State counsel 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 Ilqa Magistrate/Duty 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 Jarnail Singh and accused, namely, Shintu Kumar @ Shintu, Pintu Kumar @ Pintu, Aakash Kumar @ Suhi and Raj Kumar @ Kala Kumar @ Kala 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 all 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. MADAAN)
JUDGE

November 19, 2020

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No