

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

CRM-M-18535 of 2019

DATE OF DECISION :- February 04, 2020

Harpreet Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Veeraj Sharma, Advocate
for Mr. Siddharth Gupta, Advocate for the petitioners.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Mr. Manoj Bakshi, Advocate
for Ms. Naina Issar, Advocate for respondent No. 2.

H.S. MADAAN, J. (Oral)

Petitioners – Harpreet Singh and Sukhwinder Kaur alias Binder Kaur have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 0165 dated 10.12.2017, for offences under Sections 341, 323, 506, 34 IPC, registered at Police Station Phul, District Bathinda, against them, along with consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Kulwinder Kaur alias Kulwinder Kaur Sidhu alias Rani-arrayed as respondent No.2.

When the petition came up for hearing on 16.5.2019, notice of motion was ordered to be issued. Respondent No. 1 - State of Punjab

through State counsel whereas respondent No.2 through Ms. Naina Issar, 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 Sub Divisional Judicial Magistrate, Phul in terms of which complainant Kulwinder Kaur alias Kulwinder Kaur Sidhu alias Rani and accused, namely, Harpreet Singh and Sukhwinder Kaur alias Binder Kaur 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 she 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.

Basically the F.I.R. in this case is out come of criminal dispute between Kulwinder Kaur alias Kulwinder Kaur Sidhu alias Rani and her husband Harpreet Singh, which is said to have been resolved amicably 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

February 04, 2020
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No