

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26912-2020

Date of Decision: 18.12.2020

Kapil and others

...Petitioners

vs.

State of Punjab and others

...Respondents

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Mr. D.S. Pheruman, Advocate for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

Mr. Tarun Deep Kumar, Advocate for respondent Nos.2 and 3.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of pandemic Covid-19.

2. Prayer in the petition under Section 482 Cr.P.C., is for quashing of FIR No.14 dated 28.01.2020, registered under Sections 307, 506, 323, 148, and 149 of IPC, 1860, at Police Station City Patti, District Tarn Taran as well as all consequential proceedings arising thereto, on the basis of compromise Annexure P/3 dated 27.06.2020, between the petitioners and respondent Nos.2 and 3.

3. Learned counsel for the petitioners contends that the petitioners were falsely implicated in the aforementioned case in the heat of the moment, there was no MLR nor opinion of the doctor to attract Section 307 IPC, that on the intervention of respectable members of society, the parties had resolved to amicably settle the dispute by way of compromise Annexure P/3 dated 27.06.020, to live peacefully and in harmony and to let go of their past grudges. Affidavits, Annexure P/4 and P/5, were also submitted by

respondent Nos. 2 and 3 on same lines as the compromise.

4. Vide order dated 10.09.2020, the parties were directed to put in appearance before the learned trial Court / Illaqa / Duty Magistrate for recording of their statements. In furtherance thereto, the parties appeared before the learned Judicial Magistrate 1st Class (Duty Magistrate), Patti, on 12.10.2020 and got their statements recorded. Pursuant thereto, report dated 04.11.2020, has been submitted by the learned SDJM, Patti, wherein it has been recorded that the petitioners got their statements recorded of having entered into a compromise with respondent Nos.2 and 3 out of their sweet will and without any pressure or coercion. Likewise, respondent Nos.2 and 3 also appeared and got their statements recorded that they had entered into a compromise with the petitioners without any pressure or coercion and that in the circumstances, they had no objection, if the aforementioned FIR was quashed. In view thereof, SDJM, Patti, forwarded report that he was satisfied that the compromise arrived at between the parties was genuine and valid and that none of the petitioners was a proclaimed offender, besides no other criminal case was pending against any of the accused.

5. Learned State counsel, on instructions from SI Amrik Singh, besides learned counsel for respondent Nos.2 and 3 have also supported the prayer of the petitioners and state that in view of the compromise, Annexure P/3 dated 27.06.2020, affidavit of respondent Nos.2 and 3, Annexure P/4 and P/5, dated 01.07.2020, statements of the parties recorded before the learned SDJM/Duty Magistrate, Patti as also in view of the judgment of Hon'ble the Supreme Court in **Narinder Singh & others vs. State of Punjab & another, 2014 (2) RCR (Criminal) 482**, they have no objection, if the aforementioned FIR as well as all consequential proceedings arising

thereto are quashed.

6. In view of compromise, Annexure P/3 dated 27.06.2020 having been executed between the parties, affidavits, Annexures P/4 and P/5 dated 01.07.2020 submitted by respondent Nos.2 and 3 besides report of the learned SDJM/Duty Magistrate, Patti, dated 04.11.2020, the possibility of conviction is remote and bleak. Consequentially, continuation of the criminal case against the accused despite full and complete settlement between the accused and victim would serve no purpose. Accordingly, in order to secure the ends of justice, it would be appropriate to put the criminal case to an end. In view of the position as noted above, there is no impediment in the way of the Court in exercising its inherent power under Section 482 Cr.P.C. to quash the FIR and all consequential proceedings, as no useful purpose would be served by prolonging litigation, besides the same would meet the ends of justice. Reference in this connection can be made to the decision of this Court in **Kulwinder Singh and others vs. State of Punjab and another 2007 (3) RCR (Criminal) 1052**. Relevant extract of the aforementioned decision is reproduced as under :-

“39. 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". Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to

such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.

40. The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.”

7. In the light of the position as noted above, FIR No.14 dated 28.01.2020, registered under Sections 307, 506, 323, 148, and 149 of IPC, 1860, at Police Station City Patti, District Tarn Taran as well as all consequential proceedings arising thereto, are quashed.

8. Petition stands disposed of accordingly.

(B.S. Walia)
Judge

18.12.2020

‘Rajesh-PS’

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No