

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 27696 of 2020 (O&M)
Date of decision : 23.11.2020

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Deepak Malhotra @ Deepu and others
.....Petitioners

vs.

State of Punjab and another
.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

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

Mr. J.S. Ghuman, Deputy Advocate General,
Punjab.

Mr. Traundeeep Kumar, Advocate for the complainant.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

Petitioners – Deepak Malhotra @ Deepu and others have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 226 dated 8.12.2019, for offences under Sections 452, 506, 427, 148, 149 IPC, registered at Police Station Gate Hakima, Amritsar, against them, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected

between them and complainant Hema - arrayed as respondent No.2.

Briefly stated, facts of the case, as per the prosecution story are that the FIR in question was recorded on the basis of statement of complainant Hema w/o Des Raj, aged about 45 years, resident of House No. 46, Gali No. 11, Saheed Udham Singh Colony, Amritsar, which she made to the police stating that she had been working as Sweeper with Municipal Corporation, Amritsar; that she is married having children; that marriage of her son Ramesh Kumar @ Lucky was fixed for 6.12.2019 and several relatives had come to her house on that occasion; that on the intervening night of 7/8 December, 2019, at about 12.55 A.M., when they were celebrating marriage in their house, then Kali armed with a *datar*, Deepu armed with a *kirpan*, Kush armed with a *datar*, alongwith 10-12 unidentified persons, having brick-bats entered in their street; that Kali struck the gate of their house with *datar* with great force; that on hearing that she went up to Ist floor and found all the assailants were giving catcalls, while standing in the street; that on account of push given by Deepu, the gate of the house of the complainant got opened and Kali asked about Raja, with whom he had picked up a quarrel in a *Jagrata*; that then the complainant replied that he was not at home; that the unidentified persons having brickbats threw the same in house of the complainant; that the complainant raised an alarm, which attracted persons from neighbourhood; that then the assailants ran away with their respective weapons.

After registration of the FIR, the investigation in the case

started. The petitioners were formally arrested in this case and released on bail. The investigation in the case is going on and challan has not yet been filed.

When the petition came up for hearing on 14.9.2020, notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab through State counsel, whereas respondent No.2 through Mr. Tarundeep Kumar, 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 to get their statements recorded with regard to compromise and the trial Court was directed to send a report to this Court.

Report has been received from Judicial Magistrate Ist Class, Amritsar, in terms of which complainant Hema and accused, namely, Deepak Malhotra @ Deepu, Kush Farwaha and Ritik Sharma @ Kali, had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, with free will, without any pressure, coercion or undue influence. Further 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. It has been reported that no accused has been declared proclaimed offender in the FIR in question. Alongwith the report copies of statement of the complainant and all the accused, have been annexed.

I have heard learned counsel for the petitioners, learned

State counsel and learned counsel for the complainant, 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 abovesaid FIR
alongwith ancillary proceedings are hereby quashed.

23.11.2020
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(H.S. Madaan)
Judge

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