

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(1)

CRM-M-30346-2020

Date of Decision: 18.12.2020

Ramandeep Singh and others
vs.

...Petitioners

State of Punjab and another

...Respondents

AND

(2)

CRM-M-30347-2020

Mohkam Singh and another
vs.

...Petitioners

State of Punjab and another

...Respondents

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

Present: Mr. T.P.S. Makkar, Advocate
for the petitioners in CRM-M-30346-2020 and
respondent No.2 in CRM-M-30347-2020.

Mr. Ramandeep Singh Khinda, Advocate
for the petitioners in 30347-2020 and
respondent No.2 in CRM-M-30346-2020.

Ms. Monika Jalota, DAG, Punjab.

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. This order shall decide CRM-M-30346-2020 and CRM-M-30347-2020, arising out of cross cases registered by the parties against each other.

3. Prayer of the petitioners in CRM-M-30346-2020 under Section 482 Cr.P.C., is for quashing of FIR No.65 dated 28.04.2020, registered under Sections 323, 324 and 34 of IPC, 1860, to which Sections 326 and

Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib, as well as all consequential proceedings arising thereto, on the basis of compromise Annexure P/3 dated 17.09.2020, executed between the petitioners and respondent No.2, while prayer of the petitioners in CRM-M-30347-2020 (respondents of CRM-M-30346-2020) U/s 482 Cr.P.C., is for quashing of DDR No.20 dated 03.05.2020, registered under Sections, 323, 324, 34 of IPC, arising out of FIR No.65 dated 28.04.2020 referred to above, on the basis of compromise Annexure P/3 dated 17.09.2020, arrived at between the parties.

4. Learned counsel contends that FIR in CRM-M-30346-2020 was registered against the petitioners on the statement of respondent No.2 of the petitioners having given beating to him. Likewise DDR No.20 dated 03.05.2020 which is the subject matter of CRM-M-30347-2020 under Sections 323, 324, 34 of IPC in the aforementioned FIR was registered against respondent No.2 and his son Mohkam Singh, who are petitioner Nos.1 and 2 respectively in CRM-M-30347-2020. However, with the intervention of the panchayat and respectable members of the village and in order to bring peace and harmony between the parties, the matter has been amicably settled and compromised and the misunderstanding removed, as a result of which, the parties out of their own free will and in their full senses and further without any pressure, threat or coercion from anybody, entered into an agreement, Annexure P/3 dated 17.09.2020 to resolve the acrimony between them. As per the agreement, both the sides have agreed to drop the litigation against each other. Therefore, the instant petition had been filed for quashing of the FIR as well as DDR referred to above.

5. Vide order dated 30.09.2020, in the aforementioned petitions, the parties were directed to put in appearance before the learned trial Court/Illaq Magistrate on 05.11.2020 for recording of their statements with regard to the compromise / settlement dated 17.09.2020. In furtherance thereof, the parties put in appearance before the learned Addl. Chief Judicial Magistrate, Sri Muktsar Sahib, on 05.11.2020 and made statements that they had entered into a compromise and agreed to drop the proceedings against each other with the permission of the Court. The learned Addl. Chief Judicial Magistrate, Sri Muktsar Sahib, has submitted report dated 06.11.2020 that the compromise between the parties appeared to be genuine, voluntary and without any coercion and undue influence and that none of the accused had been declared proclaimed offender nor any of the accused was involved in any other FIR but that one FIR No.30 dated 21.02.2011, under Section 25 of the Arms Act, was registered against Gagandeep Singh at Police Station City Sri Muktsar Sahib, in which, he was acquitted vide judgment dated 12.03.2015.

6. In view of the compromise, Annexure P/3 dated 17.09.2020 as well as the statements recorded before the learned Addl. Chief Judicial Magistrate, Sri Muktsar Sahib besides report submitted by the learned Judicial Officer, the possibility of conviction of accused in either of the cases is remote and bleak. Consequentially, continuation of the criminal cases against the accused despite full and complete settlement between the parties of their cross cases against each other would serve no purpose. Accordingly, in order to secure the ends of justice, it would be appropriate to

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 in view of the decision in **Kulwinder Singh and others vs. State of Punjab and another 2007 (3) RCR (Criminal) 1052.** Relevant extract of the same 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.”

CRM-M-30346-2020 and
Connected case

[5]

in respective cases have also supported the prayer of the petitioners in respective cases for quashing of the aforementioned FIR and DDR along with all consequential proceedings arising thereto and state that they have no objection if the aforementioned FIR and DDR along with all consequential proceedings arising thereto are quashed on the basis of compromise.

8. Accordingly, in the light of the position as noted above, FIR No.65 dated 28.04.2020, registered under Sections 323, 324 and 34 of IPC, 1860, to which Sections 326 and 325 of IPC were added later on, vide Rapat No.14 dated 05.05.2020, at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib, and DDR No.20 dated 03.05.2020, registered under Sections, 323, 324, 34 of IPC, arising out of the aforesaid FIR, along with all consequential proceedings arising thereto, are quashed qua the petitioners in each case.

9. Petitions i.e. CRM-M-30346-2020 and CRM-M-30347-2020 stand disposed of accordingly.

(B.S. Walia)
Judge

18.12.2020
'Rajesh-PS'

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