

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

CRM-M-27965-2019 (O&M)

Date of decision: 18.02.2020

Waris Maish and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present: Mr. Gaurav Mannan, Advocate for the petitioners.

Rana Harjasdeep Singh, DAG, Punjab.

Mr. BBS Randhawa, Advocate for respondent No.2.

H.S. MADAAN, J. (Oral)

Petitioners – Waris Maish and others have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 48 dated 30.04.2019, for offences under Sections 323, 324, 341, 148 and 149 IPC, registered at Police Station Jhander, District Amritsar Rural, against them, along with consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Kali- arrayed as respondent No.2.

When the petition came up for hearing on 04.07.2019, notice of motion was ordered to be issued. Respondent No. 1 - State of Punjab through State counsel, whereas respondent No.2 through Mr. BBS Randhawa, 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 Illaqa 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, Ajnala, in terms of which complainant Kali and accused, namely, Waris Masih, Dalbir Masih @ Latti @ Dalbir, Tarsem Masih, Vijay Masih @ Vijay, Surjit Singh, Rattan Masih @ Rattan Singh, Raja Masih @ Rajan Masih, Shindo @ Shindi and Kashmiro, had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, without any coercion or undue influence. 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.

In terms of order dated 07.01.2020, affidavit of Harjit Singh-injured has been placed on file. He was photographed in the office of Executive Magistrate, Ajnala. Copy of Aadhar Card has also been attached.

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 Anr. 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.

18.02.2020

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No