

(Through Video Conferencing)

CRM-M-32477-2020

Date of Decision: 15.12.2020

Manish Kumar and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. Vipin Kumar Sharma, Advocate
for the petitioner.

Mr. H.S. Sitta, Assistant Advocate General, Punjab.

Mr. Sunil Kumar Rohilla, Advocate,
for respondent No.2/complainant.**NIRMALJIT KAUR, J. (ORAL)**

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.28 dated 17.04.2020, under Sections 323, 452, 188 and 34 of IPC (under Section 325 added lateron) registered at Police Station Kathgarh, District S.B.S. Nagar and all other consequential proceedings arising therefrom on the basis of compromise, dated 17.05.2020, Annexure P-2.

Vide order dated 13.10.2020, the coordinate Bench of this Court directed the parties to appear before the CJM/Illaqa Magistrate/trial Court for getting their statements recorded with regard to the compromise with a further direction to the CJM/Illaqa Magistrate/trial Court to submit its report with regard to the genuineness of the compromise.

The report of the Sub Divisional Judicial Magistrate, Balachaur has been forwarded by learned District and Sessions Judge, SBS Nagar vide

Sub Divisional Judicial Magistrate, Balachaur dated 11.12.2020, the parties have compromised the matter. The said report further confirms that the compromise was genuine, voluntary, without coercion and without any undue influence and the same was affected with the free will and consent of the parties. There are four accused in the FIR and were never declared as proclaimed offender.

In view of the above, it is evident that the compromise is genuine.

Hon'ble Supreme Court in the case of **Madan Mohan Abbot vs State of Punjab**, 2008 (2) RCR (Criminal) 429, observed as under:-

“We need to emphasize that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the Court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the Courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilized in deciding more effective and meaningful litigation.”

That a Five Judge Bench of our own High Court in **Kulwinder Singh and others Vs State of Punjab and another**, 2007 (3) RCR (Criminal) 1052, too stated that “the compromise, in a modern society, is the sine qua non of harmony and orderly behavior. 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”.

The learned counsel for the complainant too confirms the

compromise and stated that he has instructions to state that the complainant has no objection, if the FIR is quashed.

In view of the above, this Court has no inhibition in accepting the compromise and to quash the FIR on the basis of said compromise.

Accordingly, the present petition is allowed and the FIR No.28 dated 17.04.2020, under Sections 323, 452, 188 and 34 of IPC (under Section 325 added lateron) registered at Police Station Kathgarh, District S.B.S. Nagar and all other consequential proceedings arising out of it are quashed.

It goes without saying that the parties will be bound by the said compromise.

(NIRMALJIT KAUR)
JUDGE

15.12.2020
sandeep

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No