

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

CRM-M-2362-2021 (O&M)

Date of decision: 26.03.2021

William Masih and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present: Mr. J.S. Mahal, Advocate for the petitioners.

Mr. Amar A. Pathak, Addl. AG, Punjab.

Mr. Paras Jagga, Advocate for respondent No.2.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

Petitioners – William Masih, Vijay Masih @ Vijay Kumar, Giar Som, Sam, Lovejit @ Labba and Hira Singh have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No.47 dated 26.08.2019, for offences under Sections 325, 323, 148 and 149 IPC, registered at Police Station Ghuman Kalan, District Gurdaspur against them, along with consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Amrik Singh- arrayed as respondent No.2.

Briefly stated the prosecution story is that on 09.08.2019, complainant Amrik Singh son of Mohan Singh, aged about 48 years, a rickshaw puller was returning home from Nashauhra Majha Singh and

when at about 8.00 PM, he had reached chowk of the village, then William Masih and Vijay Masih sons of Bamu Masih, armed with sticks, Giar Som, Sam, Labba and Hira, residents of Kotla Chahal were found standing in the chowk; on seeing the complainant, Hira raised a lalkara that the complainant should be caught hold and taught a lesson for compromising with them, stating that Vijay Masih gave a stick blow to the complainant, hitting him on left shoulder, then William Masih gave a blow of stick to the complainant, hitting him below left arm elbow; the complainant fell down from the rickshaw; then Giar Som, Labba, Sam and Hira gave fist blows, kick blows and slaps to him; on complainant raising hue and cry and several persons coming to the spot, the assailants ran away along with their respective weapons; the injured was taken to Civil Hospital, Gurdaspur, where he was medically treated and medico-legally examined; the motive behind the incident was that about two months previously, a fight had taken place between the complainant and Sam etc., which matter had been compromised; the accused felt aggrieved by the compromise and assaulted the complainant again; on the basis of statement made by the complainant to the police, formal FIR was recorded; the investigation in the case started; on completion thereof, the challan is said to have been filed; in the meanwhile, the parties have compromised the matter.

Vide order dated 18.01.2021, in light of the contention that parties have since effected compromise, they were directed to put in appearance before the trial Court/Illaqa Magistrate to get their statements

recorded with regard to compromise and the Magistrate was directed to send a report to this Court.

Report has been received from Judicial Magistrate 1st Class, Gurdaspur, in terms of which complainant Amrik Singh and accused, namely, William Masih, Vijay Masih @ Vijay Kumar, Giar Som, Samson @ Sam, Lovejit @ Labba and Hira Singh, had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, without any pressure or coercion. 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.

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 affect 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.

26.03.2021

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(H.S. MADAAN)
JUDGE

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