

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

CRM-M-8652 of 2020

DATE OF DECISION :- July 16, 2021

Baldev Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Monty Goyal, Advocate for the petitioners.

Mr. J.S. Ghuman, DAG, Punjab.

Mr. Kuldeep Singh, Advocate for respondent No. 2.

The case has been taken up through Video Conferencing.

Petitioners – Baldev Singh and others have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 118 dated 16.9.2018, for offences under Sections 420, 120-B, 506, 201 IPC, registered at Police Commissionerate, Ludhiana, District Ludhiana, against them, along with consequential proceedings arising therefrom, on the basis of compromise dated 10.1.2020 (Annexure P2), stated to have been effected between petitioners accused and complainant Rahul Sharma- arrayed as respondent No.2.

Briefly stated the facts of the case as per prosecution story are that complainant Rahul Sharma was duped of lakhs of rupees by the accused on the pretext of getting him recruited in Punjab Police. On matter being reported to the police, formal F.I.R was registered. The investigation in the case started.

The petitioners accused are said to have joined the investigation and admitted

to bail. On completion of investigation the challan against the accused is said to have been filed in the Court. The parties have since entered into a compromise

When the petition came up for hearing on 25.3.2021, notice of motion was ordered to be issued. Respondent No. 1 - State of Punjab through State counsel, whereas respondent No.2 through Ms. Harmanpreet Kaur, 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 Ilqa Magistrate/Duty Magistrate at Ludhiana to get their statements recorded with regard to compromise and the Ilqa Magistrate/Duty Magistrate was directed to send a report to this Court.

Report has been received from Judicial Magistrate Ist Class, Ludhiana, in terms of which complainant Rahul Sharma and accused, namely, Baldev Singh, Anmol Singh, Ranjot Singh and Narinderpal Kaur, had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, without any fear and inducement. 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 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 above said FIR along with ancillary proceedings are hereby quashed.

**(H.S. MADAAN)
JUDGE**

July 16, 2021
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No