

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

CRM-M-36645-2020 (O&M)

Date of decision: 01.04.2021

Jagjit Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present: None for the petitioners.

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

H.S. MADAAN, J. (Oral)

Petitioner – Jagjit Singh has brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No.240 dated 10.11.2018, for offences under Sections 452, 324, 323, 506 and 34 IPC, registered at Police Station Dehlon, District Police Commissionerate, Ludhiana against him, along with consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between him and complainant Navdeep Singh- arrayed as respondent No.2.

Briefly stated facts of the case as per prosecution story are that on 07.11.2018, complainant Navdeep Singh son of Sukhdev Singh, resident of Nank Clay, Block A Week Side Mara Colony, aged about 35 years had gone to his parental house on occasion of Diwali festival; Mandeep Kaur wife of the complainant had been quarreling with him since morning on that day, as such, the complainant had gone to his

parental house alone; when the complainant returned home, his wife resumed the quarreling; she even called her brother Jagjit Singh (present petitioner) who was accompanied by an unknown person; Jagjit Singh had attacked the complainant with a sickle causing him injuries on the head and other parts of the body; the complainant was given fist blows and slaps by the other person accompanied Jagjit Singh; on arrival of Harbhajan Singh at the spot, both the assailants ran away along with their respective weapons giving threats to the complainant; the complainant got himself admitted at Civil Hospital, Ludhiana, where he was medically treated and medico-legally examined; on information being given to the police, formal FIR in the matter was recorded; however, during the course of investigation, the parties had amicably settled the dispute.

Vide order dated 18.12.2020, in light of the contention that parties have since effected compromise, they were directed to put in appearance before the Illaqa Magistrate/Duty Magistrate, Ludhiana 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 Duty Magistrate-cum-Judicial Magistrate 1st Class, Ludhiana, in terms of which complainant Navdeep Singh and accused, namely, Jagjit 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, coercion from any side. 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 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.

01.04.2021
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(H.S. MADAAN)
JUDGE

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