

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

224

CRM-M-38460 of 2020

Date of decision : 15.02.2021

Satnam Singh and another

... Petitioner

Versus

State of Punjab and another

.. Respondents

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

Present : Mr.Vishal Mittal, Advocate for
Mr.Digvijay Nagpal Advocate
for the petitioners.
Mr.Karan Garg, AAG, Haryana.
Mr.Paramveer Singh, Advocate for respondent No.2.

H.S. Madaan, J. (Oral)

Petitioners – Satnam Singh and others have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 20 dated 15.02.2020, for offences under Section 452, 323, 427 and 34 IPC, registered at Police Station Shambu, District Patiala, against them, along with consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Paramjit Kaur-arrayed as respondent No.2.

Briefly stated, the prosecution story is that on 14.02.2020, at night, the complainant, Paramjit Kaur resident of village Chamaru, Tehsil Rajpura and District Patiala aged 35 years, was sleeping in her house along with her three kids and her husband was away from house as he is a truck driver. Then at around 11.30 p.m. her brother-in-law Satnam Singh and nephew Gurjant Singh came outside her house and started knocking the gate and hurled abusive language. They trespassed into her house, broke window panes of the house, scattered the house hold articles lying there and scuffled with the complainant and gave slaps to her. On alarm being raised by the

complainant, the neighbours came there and the accused ran away from the spot. On information given to the police, formal FIR was lodged and investigation of the case started. During the investigation, the petitioners entered into compromise with the complainant.

When the petition came up for hearing on 23.11.2020, notice of motion was ordered to be issued. Respondent No. 1 - State of Punjab appeared through State counsel, whereas respondent No.2 through Mr.Paramveer Singh, Advocate had put in appearance. Then in the light of contention that parties have since effected compromise, they were directed to put in appearance before the trial Court/Duty Magistrate to get their statements recorded with regard to compromise and the trial Court/Duty Magistrate was directed to send a report to this Court.

Report has been received from Judicial Magistrate Ist Class, Rajpura in terms of which complainant Paramjeet Kaur and accused, namely Satnam Singh and Gurjant Singh, had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a compromise voluntarily, 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. MADAN]
JUDGE

15.02.2021
sd

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