

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

**CRM-M-32393 of 2021
Date of Decision: 02.11.2021**

Rakesh Soni and another

....Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present : Mr. Parvez Chaudhary, Advocate for the petitioners.
Mr. Amit Mehta, Sr. DAG, Punjab.
Mr. Jagdeep Singh Rana, Advocate for respondent No.2.

ARUN PALLI, J. (Oral):

Vide this petition under Section 482 of Cr.P.C, the petitioners pray for quashing the FIR No.13 dated 17.01.2019 (Annexure P-1), under Sections 406, 420 of IPC, registered at Police Station Gobindgarh Mandi, District Fatehgarh Sahib, and all consequential proceedings arising therefrom, for the dispute between the parties stand resolved and a compromise, dated 01.12.2020 (Annexure P-3), in this regard has since been effected.

Vide order dated 13.08.2021, a Co-ordinate Bench of this Court had required the parties to appear before the CJM/Illaquia Magistrate on 17.09.2021, for getting their statements recorded to ascertain the execution as also the veracity of the alleged settlement. And, whereupon a report was to be submitted by the trial Court.

Accordingly, a report dated 26.10.2021, has been furnished by the Sub Divisional Judicial Magistrate, Amloh, which reads thus:-

“1. xxx xxx xxx

2. On 17.9.2021 statement of complainant Arun Kumar Garg complainant, and joint statement of accused Rakesh Soni and Rajesh Soni were recorded regarding compromise of the matter of FIR No.13 dated 17.01.2019 Under Section 406 and 420 of IPC, police station Mandi Gobindgarh. They stated that they have compromised the matter with the intervention of respectable members of the locality and without any pressure. The under-signed has gone through such statements of Arun Kumar Garg, Rakesh Soni and Rajesh Soni.

3. On 22.10.2021 ASI Dharampal, the then Investigating Officer of this case, also recorded statement that whether all the accused/ petitioners are appearing before the court or are on bail and whether any other proceeding is pending against the accused/petitioners.

4. In view of statements, para-wise report is as follows: -

a) The compromise between the parties appears to be genuine and valid and is not the result of any pressure or coercion in any manner.

b) As per statement of ASI Dharampal Investigating Officer, both the accused are not appearing before the court of undersigned as

their arrest has been stayed by the Hon'ble Punjab and Haryana High Court.

c) As per statements of accused Rakesh Soni and Rajesh Soni as well as ASI Dharampal Investigating Officer, no other proceedings is pending against the accused.”

In the wake of the above and upon being pointedly asked, even the learned State counsel submits that State would have no objection if the FIR is quashed.

An analysis of the records irresistibly shows that dispute between the parties is civil and commercial in nature. And, to provide a quietus to the whole dispute, they arrived at a settlement, vide a compromise deed dated 1.12.2020 (Annexure P-3). The Hon'ble Supreme Court in Gian Singh Vs. State of Punjab and Another, 2012 (10) SCC 303, had concluded that in matters concerning non-compoundable offences, if the parties have reached a compromise, this Court has wide powers under Section 482 of Cr.P.C. to quash the proceedings to secure the ends of justice. Likewise, a Full Bench of this Court in Kulwinder Singh and others Vs. State of Punjab and another, 2007 (3) RCR (criminal) 1052, had held:

“28. 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". Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation."

Thus, in the wake of the above, the only and inevitable conclusion that could be reached: this petition deserves to be allowed. And, it is so ordered. Accordingly, FIR No.13 dated 17.01.2019, under Sections 406, 420 of IPC and all consequential proceedings arising therefrom, are quashed.

(ARUN PALLI)
JUDGE

02.11.2021
Rajan

Whether speaking/reasoned	Yes
Whether reportable	No