

CRM-M No.29332 of 2020

Date of Decision : 13.01.2021

Jagroop Singh and another

...Petitioners

Versus

State of Punjab and another

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr.Yagyaang Ajay, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. A.G., Punjab.

Mr.Adarshpreet Singh, Advocate for
Mr. Gursimran SinghMadaan, Advocate
for the respondents.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.
2. Prayer in the petition under Section 482 Cr.P.C. is for quashing of FIR No.0204 dated 20.12.2019, registered under Sections 341, 323, 427, 148 and 149 IPC at Police Station Nihal Singh Wala, District Moga, along with all consequential proceedings emanating therefrom on the basis of compromise (Annexure P-2) dated 09.09.2020.
3. Brief facts of the case, leading to the filing of the instant petition are that as per averments made in the FIR, the petitioners came in a car, stopped respondent No.2, took him out of his car and gave him a beating which led to the filing of the aforementioned FIR. However, now, the matter has been amicably resolved and a compromise Annexure

P-2 dated 09.09.2020, arrived at, as per which, the complainant-respondent No.2, Jasvir Singh @ Hari has no objection in case, the instant FIR is quashed.

4. Pursuant to the orders of this Court dated 29.10.2020, the parties put in appearance before the learned Sub Divisional Judicial Magistrate, Nihal Singh Wala and got their statements recorded.

5. Report dated 23.12.2020, has been forwarded by the learned Sub Divisional Judicial Magistrate, Nihal Singh Wala, that on the basis of statements of complainant as well as accused recorded before the learned Duty Magistrate, Baghapurana, the Court was of the opinion that the matter had been amicably settled between the complainant Jasvir Singh @ Hari and accused Jagroop Singh and Sony @ Baljit Singh and that the compromise was genuine, voluntary and without any coercion or undue influence.

6. The report further mentions that apart from the petitioners, there are no other accused in the case, that none of the accused is a proclaimed offender, that the accused are not involved in any other FIR and that there is only one complainant victim i.e. respondent No.2 Jasvir Singh @ Hari.

7. Learned counsel for the petitioners has relied upon the decision of Hon'ble the Full Bench of this Court in 'Kulwinder Singh and othersversusState of Punjab and another', 2007(3) RCR (Crl.) 1052. Relevant extract of the same is reproduced as under:-

“27. The power to do complete justice is the very essence of every judicial justice dispensation system.

It cannot be diluted by distorted perceptions and is not a slave to anything, except to the caution and circumspection, the standards of which the Court sets before it, in exercise of such plenary and unfettered power inherently vested in it while donning the cloak of compassion to achieve the ends of justice. No embargo, be in the shape of Section 320(9) of the Criminal Procedure Code, or any other such curtailment, can whittle down the power under Section 482 of the Criminal Procedure Code.”

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.

29. The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice”.

8. In the light of the position as noted above, no useful purpose would be served in requiring the State to prosecute the aforementioned case in view of amicable settlement having been arrived at between the parties.

9. Accordingly, the petition under Section 482 Cr.P.C. is ***allowed*** and FIR No.0204 dated 20.12.2019, registered under Sections 341, 323, 427, 148 and 149 IPC at Police Station Nihal Singh Wala, District Moga, along with all consequential proceedings emanating therefrom are quashed *qua* the petition on the basis of compromise (Annexure P-2) dated 09.09.2020.

(B.S. Walia)
Judge

January 13, 2021
'Rajneesh'