

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

CRM-M-29485 of 2020

DATE OF DECISION :- February 18, 2021

Davis Gill and another

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Gurcharan Dass, Advocate for the petitioners.

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

Mr. Salil Dev Bali, Advocate for respondents No. 2 and 3.

H.S. MADAAN, J. (Oral)

The case has been taken up through Video Conferencing.

Petitioners–Davis Gill and Leela Rani have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 16 dated 12.11.2018, for offences under Sections 498-A, 406 IPC, registered at Police Station Women, Ferozepur, against them, along with consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainants Rajni Bala and Parry Green Chauhan-arrayed as respondents No.2 and 3.

When the petition came up for hearing on 24.9.2020, notice of motion was ordered to be issued. Respondent No. 1 - State of Punjab through State counsel, whereas respondents No.2 and 3 through Mr. Salil

Dev Bali, 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 Ilaqa Magistrate/Duty Magistrate to get their statements recorded with regard to compromise and the Ilaqa Magistrate/Duty Magistrate was directed to send a report to this Court.

Report has been received from Judicial Magistrate Ist Class, Ferozepur, in terms of which complainants Rajni Bala and Parry Green Chauhan and accused, namely, Davis Gill and Leela Rani, 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 complainants have stated that they have 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 complainants 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

February 18, 2021

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Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No