

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

CRM-M-30935-2020 (O&M)

Date of decision: 09.03.2021

Mejar Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present: Mr. J.S. Sidhu, Advocate for the petitioners.

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

Ms. Amandeep Kaur, Advocate for respondents No.2 to 4.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

Petitioners – Mejar Singh, Kukku Singh @ Lala Singh, Krishan Singh and Avtar Singh @ Tari have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No.95 dated 02.08.2019, for offences under Sections 325, 323 and 34 IPC, registered at Police Station Bareta, District Mansa, against them, along with consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainants Rajpal Singh, Kukku Singh and Malkit Singh @ Bhutto- arrayed as respondents No.2 to 4 respectively.

Briefly stated facts of the case are that criminal machinery in this case was set into motion by complainant Rajpal Singh son of Kukku

Singh, aged about 20 years, who in the statement got recorded by him with the police stated that he is student of B.A.-III class; that on 07.07.2009 at about 12.30 PM, while he and his uncle were irrigating their paddy fields, then Kukku Singh @ Lala along with Krishan Singh son of Mejor Singh, Tari Singh @ Avtar son of Kukku Singh, Mejor Singh son of Jaggar Singh, residents of his village were also irrigating their paddy fields nearby; Kukku Singh was throwing mud of his field into the field of the complainant; father of complainant started throwing away said mud, then Krishan Singh, Kukku Singh, Tari Singh @ Avtar and Mejor Singh trespassed in the fields of the complainant and slapped father of complainant, namely, Kukku Singh, then Kukku Singh ran away while complainant and his uncle Malkit Singh were sitting near the tubewell; the assailants gave beatings to them also; on alarm being raised by them, the assailants ran away; the injured were hospitalized, where they were medically treated and medico-legally examined; there has been a cross version of the incident also; now both the versions are stated to have been compromised.

Ld. State counsel has submitted that a cancellation report in the matter had been prepared, which is awaiting approval of Senior Superintendent of Police, Mansa, as such, it has not yet been filed in the Court.

When the petition came up for hearing on 16.10.2020, notice of motion was ordered to be issued. Respondent No. 1 - State of Punjab through State counsel, whereas respondents No.2 to 4 through Mr.

Gursewak Singh, 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 Duty Magistrate/Illaq Magistrate 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 Judicial Magistrate 1st Class, Budhlada, in terms of which complainants/victims Rajpal Singh, Kukku Singh and Malkit Singh @ Bhutto and accused, namely, Mejar Singh, Kukku Singh @ Lala Singh, Krishan Singh and Avtar Singh @ Tari, had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, without any threat or coercion. Further, the complainants/victims 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 complainant/injured 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 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 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.

09.03.2021

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(H.S. MADAAN)
JUDGE

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