

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-31050 of 2020 (O&M)

Date of decision : 7.4.2021

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Ajit Singh and others

.....Petitioners

vs.

State of Punjab and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. G.S. Simble, Advocate
for the petitioners.

Mr. J.S. Ghuman, Deputy Advocate General,
Punjab.

None for respondent No.2.

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H. S. Madaan, J. (Oral)

Petitioners – Ajit Singh, Rajinder Singh @ Arjinder Singh, Agyapal Singh and Sukhwinder Kaur, have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 74 dated 13.8.2019, for offences under Sections 323, 324, 326, 34 IPC, registered at Police Station Kotli Surat Mallian, Police District Batala, District Gurdaspur, against them, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Kulwant Kaur - arrayed as respondent No.2.

Briefly stated, facts of the case as per the prosecution story are that on 5.8.2019, at about 9.30 A.M., while complainant Kulwant Kaur wife of Joginder Singh resident of Udhewali Khurd, Police Station Kotli Surat Mallian, aged about 70 years, alongwith her daughter-in-law Jagdeep Kaur w/o Malkeet Singh, had asked Ajit Singh, brother-in-law of the complainant in relations, as to why he was destroying the path, then Ajit Singh raised a lalkara and his son Rajinder Singh armed with dattar, wife Sukhwinder Kaur armed with stick, and another son Agyapal Singh armed with spade handle assaulted the complainant, causing her injuries. The matter was reported to the police. The complainant injured was medically treated and medico legally examined. The FIR was recorded and the investigation in the case started. The case is still at the stage of investigation when the parties arrived at compromise.

When the petition came up for hearing on 5.10.2020 notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab through State counsel, whereas respondent No.2 through Ms. Deepshivjyot Mann, 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 Illaqa Magistrate/Duty Magistrate to get their statements recorded with regard to compromise and the said Court was directed to send a report to this Court.

Report has been received from Judicial Magistrate Ist Class, Batala, in terms of which complainant Kulwant Kaur and

accused, namely, Ajit Singh, Rajinder Singh @ Arjinder Singh, Agyapal Singh and Sukhwinder Kaur, had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, with free will, without any pressure, coercion or undue influence. Further complainant has stated that she 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. It has been reported that no accused has been declared proclaimed offender in the FIR in question. Alongwith the report statement of the complainant and the accused, in original, have been annexed.

I have heard learned counsel for the petitioners, learned State counsel, besides going through the record.

The parties are related to each other and belong to the same village. Keeping in view the fact that 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*”. 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.”

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 abovesaid FIR alongwith ancillary proceedings are hereby quashed.

7.4.2021
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No