

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

CRM-M-32192 of 2020

DATE OF DECISION :- January 06, 2021

Avtar Singh and others

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present:- Ms. Arti, Advocate for the petitioners.

Mr. J.S. Ghumman, DAG, Punjab.

Mr. Ankit Grewal, Advocate for respondent No. 2.

The case has been taken up through Video Conferencing.

Petitioners – Avtar Singh and others have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 69 dated 17.3.2016 , for offence under Sections 451, 323, 147, 149 IPC, registered at Police Station Tripri, District Patiala, against them, along with consequential proceedings arising therefrom, on the basis of compromise dated 30.7.2020 (Annexure P2), stated to have been effected between them and complainant Ramandeep Kaur- arrayed as respondent No.2.

Briefly stated the facts of the case as per prosecution story are that F.I.R. in question was got recorded by complainant Ramandeep Kaur,

who in the statement made by her to the police stated that on 9.3.2016 while she along with her mother Harbans Kaur and friend of her mother Manjit Kaur and her husband Harmeet Singh were present at their home, at about 1.30 P.M. father of complainant namely Avtar Singh and her uncle Manjit Singh @ @ Gora along with Shinda, Soni, Mokha and some unidentified persons came there. Avtar Singh and Manjit Singh along with their accomplice gave beatings to Harbans Kaur, Manjit Kaur and her husband Harmeet Singh, however, on her alarm being raised the assailants ran away from the spot. After registration of the F.I.R. the investigation in the case started. The accused were arrested in this case and thereafter the challan was filed against them. However, during pendency of the trial the parties have effected a compromise. Basically it is a family dispute between the parties.

When the petition came up for hearing on 12.10.2020, notice of motion was ordered to be issued. Respondent No. 1 - State of Punjab through State counsel, whereas respondent No.2 through Mr. Ankit Grewal, 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 trial Court/Illaq Magistrate to get their statements recorded with regard to compromise and was directed to send a report to this Court.

Report has been received from Judicial Magistrate Ist Class, Patiala, in terms of which complainant Ramandeep Kaur and accused, namely, Avtar Singh, Manjeet Singh, Surinder Singh alias Shinda, Rajinder Singh alias Sony and Ram, Partap Singh alias Mokha, 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 complainant has stated that he 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. Along with the report statement of the complainant 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

January 06, 2021
p.singh

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No