

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-33166 of 2020 (O&M)
Date of decision : 7.4.2021

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Gurmit Ram and others

.....Petitioners

vs.

State of Punjab and another

.....Respondents

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

Present: Mr. C.L. Verma, Advocate
for the petitioners.

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

Ms. Monika Jangra, Advocate for respondent No.2.

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H. S. Madaan, J. (Oral)

Petitioners – Gurmit Ram, Bhulla Ram and Lakhwinder
Ladherh, have brought the instant petition under Section 482 Cr.P.C.
for quashing of FIR No. 64 dated 4.6.2017, for offences under
Sections 323, 324, 506, 34 IPC, registered at Police Station Rahon,

District SBS Nagar, Punjab, against them, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Harmesh Lal - arrayed as respondent No.2.

Briefly stated, the prosecution story is that on 3.6.2017, at about 4.50 P.M., while lease holders were making 19 kanals of land on behalf of Gram Panchayat of village Nangal Chhanga, Police Station Rahon, District SBS Nagar, cultivable, then Lakhwinder Lidhar @ Lucky having a sword, his father Gurmit Ram armed with iron rod, Bhulla Ram s/o Puran Chand armed with baseball bat, Dharam Pal, resident of Basti Ibrahimpur, Nawanshahr armed with stick/dang, giving lalkaras, attacked the Panchayat members and lease holders, in which complainant Harmesh Lal and Kamlesh Kumar suffered multiple injuries. They were taken to the hospital, where they were treated and medico legally examined. On receiving the information, formal FIR in the case was recorded. Investigation in the case started. The petitioners have joined the investigation. On conclusion of the investigation challan against the accused has been filed and trial is said to be going on. In the meanwhile, the parties have settled the dispute amicably.

When the petition came up for hearing on 14.1.2021, notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab through State counsel, whereas respondent No.2 through Ms. Monika Jangra, 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/trial court, 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 Additional Chief Judicial Magistrate, SBS Nagar, in terms of which complainant Harmesh Lal and accused, namely, Gurmit Ram, Bhulla Ram and Lakhwinder Ladherh, 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 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. It has been reported that no accused has been declared proclaimed offender in the FIR in question. Alongwith the report copies statement of the complainant and the accused, have been annexed.

I have heard learned counsel for the petitioners, learned State counsel, learned counsel for respondent No.2, besides going through the record.

The parties belong to the same village. The cross-case stated to have been filed by Gurmit Ram and Lakhwinder Ladherh, in the form of private complaint against the complainant party in the FIR is also stated to have been withdrawn from the Court of CJM, SBS Nagar, under the compromise.

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