

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

CRM-M-34269 of 2020

DATE OF DECISION :- January 06, 2021

Om Parkash Midha

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Vikas Garg, Advocate for the petitioner.

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

Mr. Deepak Gupta, Advocate for respondent No. 2.

The case has been taken up through Video Conferencing.

Petitioner—Om Parkash Midha has brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 67 dated 11.4.2019, for offences under Sections 306, 116 IPC registered at Police Station City Malout, District Muktsar Sahib, against him, along with consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between him and complainant Balwinder Singh-arrayed as respondent No.2.

Briefly stated the facts of the case as per prosecution story are that criminal machinery in this case was set into motion by complainant

Balwinder Singh son of Kartar Singh, resident of Ward No. 8, Mahavir

Nagar, Malout, District Muktsar Sahib, who in the statement made to the police had stated that he is a labourer by avocation and he had purchased a residential house from petitioner accused Om Parkash Midha situated at street Midha Depot wali Mahavir Nagar, Malout for a sum of Rs.3,50,000/- in the year 2020 making the entire payment and got the possession of that house; that in the year 2003 he had transferred one half of the house to his son Baljit Singh. Baljit Singh being in need of money on account of his illness had borrowed a sum of Rs.50,000/- from Om Parkash Midha and Om Parkash Midha had procured a power of attorney regarding the house from Baljit Singh. Baljit Singh had expired. The complainant requested Om Parkash Midha to get the sale deed executed in his favour but he put off the matter on one pretext or the other. In the statement made to the police the complainant further stated that on 10.4.2019 he along with his son Gurtej Singh had gone to the house of Om Parkash Midha and again requested him to get the sale deed executed but he not only refused to do so but misbehaved with them threatening that he would take possession of the house. On account of the said reason the complainant had consumed poison to end his life. He was taken to hospital and was treated there and fortunately he survived. The accused had joined the investigation, however, the challan was not filed. During the intervening period the parties have compromised the matter.

When the petition came up for hearing on 28.10.2020, notice of motion was ordered to be issued. Respondent No. 1 - State of Punjab through State counsel, whereas respondent No.2 through Mr. Deepak Gupta, 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/Illaqa 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, Malout, District Muktsar Sahib, in terms of which complainant Balwinder Singh and accused, namely, Om Parkash, 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