

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

248

CRM-M-893-2020

Date of Decision: 31.08.2022

Birinder Singh Gulati

... Petitioner

VS.

State of Punjab & Anr.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Kanwar Arun Singh, Advocate for the petitioner

Mr. Shubham Kaushik, AAG Punjab

Mr. Abhishek Sharma, Advocate for respondent No.2

Sandeep Moudgil, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.241 dated 29.07.2019 under Section 279/337/338/427 IPC registered at Police Station Division No.5, District Police Commissionerate Ludhiana and all other subsequent proceedings arising therefrom on the basis of compromise (Annexure P1).

During the pendency of the dispute, the parties have compromised the matter. Vide order dated 10.01.2020, parties were directed to appear before the Illaqa Magistrate/Trial Court and for report with regard to the genuineness of the compromise.

The report dated 29.02.2020 has been received from learned Additional Chief Judicial Magistrate, Ludhiana stating that the parties have entered into a compromise without any undue influence or pressure.

A Full Bench of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, has held:-

“The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in noncompoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice. The power under Section 482 of the Cr.P.C. is to be exercised Ex-Debitia Justitia to prevent an abuse of process of Court. There can neither be an exhaustive list nor the defined para-meters to enable a High Court to invoke or exercise its inherent powers. It will always depend upon the facts and circumstances of each case. The power under Section 482 of the Cr.P.C. has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The exercise of power has to be with circumspection and restraint. The Court is a vital and an extra-ordinary effective instrument to maintain and control social order. The Courts play role of paramount importance in achieving peace, harmony and everlasting congeniality in society. Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.”

The legal principles as laid down for quashing of the judgment were also approved by the Hon'ble Supreme Court in the matter of '**Gian Singh Versus State of Punjab and another, (2012) 10 SCC 303'** . Furthermore, the broad principles for exercising the powers under Section 482 were summarized by the Hon'ble Supreme Court in the matter of

'Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another" (2017) 9 SCC 641'.

It is evident that in view of the amicable resolution of the issues amongst the parties, no useful purpose would be served by continuation of the proceedings. The furtherance of the proceedings is likely to be wastage of judicial time as there appears to be no chances of conviction.

In view of above, the present petition is allowed and the above mentioned FIR (Annexure P1) with all subsequent proceedings arising therefrom are quashed *qua* the petitioner in view of compromise (Annexure P2).

31.08.2022

V.Vishal

1. Whether speaking/reasoned?

2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No

Yes/No