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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-8685-2021

DECIDED ON: 22nd AUGUST, 2022

KULWANT SINGH

PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: None for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

None for respondent No.2.

SANDEEP MOUDGIL, J (ORAL)

The instant petition under Section 482 Cr.P.C. has been filed for quashing of FIR No. 40, dated 29.04.2015 (Annexure P-1), under Sections 323, 341, 324, 506, 427 and 34 IPC (Section 326 IPC added later on) registered at Police Station Singh Bhagwantpur, District Roopnagar and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

During the pendency of the dispute, the parties have compromised the matter and filed the present petition for quashing.

Vide order dated 24.02.2021 parties were directed to appear before the Illaqa Magistrate/Trial Court and for report with regard to the

The report dated 25.03.2021 has been received from learned Civil Judge (Junior Division), Rupnagar stating that the compromise is valid and genuine and has been entered into voluntarily, out of the free will of the parties and without any pressure, threat or coercion or undue influence.

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.”

There is compromise between the parties. To meet the ends of justice and considering that no useful purpose would be served in continuing with the trial, the petition is allowed and the above mentioned FIR (Annexure P-1) with all subsequent proceedings arising therefrom are quashed qua the petitioner in view of compromise (Annexure P-2).

**SANDEEP MOUDGIL
JUDGE**

22nd AUGUST, 2022.

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| 1. Whether speaking/ reasoned : | Yes / No |
| 2. Whether reportable : | Yes / No |