

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 15393 of 2022
Reserved on 19.04. 2022
Pronounced on: July 13, 2022

Maneet Singh Sohal and othersPetitioners

Vs.

State of Punjab and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Balkaran Singh Aulakh, Advocate for the petitioners.

Mr. Harsimar Singh Sitta, AAG, Punjab

Mr. Anterpreet Singh, Advocate for respondents No.2 and 3.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
95 as well as PO dated 18.01.2020	17.10.2016	Division 6, Jalandhar, District Jalandhar	406 IPC, 1860

The petitioner, arraigned as accused in the above captioned FIR, has come up before this Court under Section 482 CrPC for quashing of the FIR and all consequential proceedings based on the compromise with the aggrieved person.

2. The first petitioner was married with second respondent/complainant. During the pendency of the petition, the accused and the aggrieved person have compromised the matter, and the copy of marital settlement is annexed with this petition as Annexure P-6.
3. After that, the petitioner came up before this Court to quash the FIR, and in the quashing petition, impleading the aggrieved person as respondent.
4. On April 19, 2022, Id. counsel appearing for the complainant/ second respondent, stated on instructions that they would have no objection if the FIR and all consequent proceedings are quashed. Given this statement coupled with the nature of allegations, and the offence being compoundable, there would be no necessity for the parties to appear in the court for recording their statements.

ANALYSIS & REASONING:

5. Despite the opposition of the State's counsel to this compromise, the following aspects would be relevant to conclude this petition. In the present case, the offences are compoundable under Section 320 CrPC. Given the legislative mandate, the prosecution can be closed by quashing the FIR and consequent proceedings.

6. In Shakuntala Sawhney v Kaushalya Sawhney, (1979) 3 SCR 639, at P 642, Hon'ble Supreme Court observed that the finest hour of Justice arises propitiously when parties, who fell apart, bury the hatchet and weave a sense of fellowship or reunion.

7. In the light of the judicial precedents referred to above, given the terms of compromise, placement of parties, and other factors peculiar to the case, the contents of the compromise deed and its objectives point towards its acceptance.

8. In Himachal Pradesh Cricket Association v State of Himachal Pradesh, 2018 (4) Crimes 324, Hon'ble Supreme Court holds "[47]. As far as Writ Petition (Criminal) No. 135 of 2017 is concerned, the appellants came to this Court challenging the order of cognizance only because of the reason that matter was already pending as the appellants had filed the Special Leave Petitions against the order of the High Court rejecting their petition for quashing of the FIR/Chargesheet. Having regard to these peculiar facts, writ petition has also been entertained. In any case, once we hold that FIR needs to be quashed, order of cognizance would automatically stand vitiated."

9. Considering the entire facts, compromise, and in the light of the above-mentioned judicial precedents, I believe that continuing these proceedings will not suffice any fruitful purpose whatsoever. In the facts and circumstances peculiar to this case, the Court invokes the inherent jurisdiction under section 482 CrPC and quashes the FIR and all subsequent proceedings qua the petitioner(s). The bail bonds of the petitioner are accordingly discharged. All pending application(s), if any, stand closed.

Petition allowed in the terms mentioned above with the liberty reserved to the petitioner for filing separate petition challenging PO order by giving detailed reasons.

(ANOOP CHITKARA)
JUDGE

July 13, 2022
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Whether speaking/reasoned: Yes
Whether reportable: No.