

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 52078 of 2019
Reserved on: 16.11.2022
Pronounced on : 23.12.2022

Karmjit Kaur Sidhu and othersPetitioners

Vs.

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Premjit Singh Dhaliwal, Adovcate for the petitioners.

Mr. Virat Rana, AAG, Punjab.

Mr. Karamjit Singh Dhaliwal, Advocate
for respondents No.2 to 7.

ANOOP CHITKARA J.

Cross case No.	Dated	Police Station	Sections
GD No.033	08.09.2018	Ajitwal, Distt. Moga	323 & 149 IPC (Section 325 IPC added later on)
in FIR No.0088	03.09.2018	Ajitwal, Distt. Moga	323, 341, 506 & 149 IPC

1.The petitioners, arraigned as accused in the cross case of above captioned FIR, have come up before this Court under Section 482 CrPC for quashing of the Cross case and all consequential proceedings based on the compromise with the aggrieved persons.

2. During the pendency of the petition, the accused and the aggrieved person have compromised the matter, and its copy is annexed with this petition as Annexure P-3.

3. After that, the petitioners came up before this Court to quash the cross case, and in the quashing petition, impleading the aggrieved persons as respondents.

4. On 17.12.2019, the aggrieved persons Manju Kaur (R1) Somni (R2) , Sunita (R3) Karmjeet Singh (R4) , Geeta (R5) and Radha (R6) appeared before the JMIC,Moga, and stated that there would be no objection if the Court quashes this cross case and consequent proceedings. As per the concerned Court's report dated 21.12.2019, the parties consented to the quashing of cross case and consequent proceedings without any threat

ANALYSIS & REASONING:

5. A perusal of the compromise deed (Annexure P-3), which remains undisputed and instead admitted by the parties, reveals that the matter has been settled, and even an effort has been made so that the dispute does not happen again. The parties are neighbors, and who knows how long they might live in the vicinity. There were cross-versions, each contradicting the other. In every scuffle, one party would receive more injuries than the other, but in the present case it is difficult to say which party was the aggressor. Apart from this, in the closely-knit neighborhoods, when the parties have buried their hatchets, the continuation of criminal proceedings will not advance the reformatory purposes of jurisprudence just for deterrence.

6. 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, all the offences are compoundable under Section 320 CrPC. Given the legislative mandate, the prosecution can be closed by quashing the FIR and consequent proceedings.

7. 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.

8. 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.

9. 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."

10. 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 cross case and all subsequent proceedings qua the petitioner(s). The bail bonds of the petitioners are

accordingly discharged.

Petition allowed in the terms mentioned above. All pending application(s), if any, stand closed.

(ANOOP CHITKARA)
JUDGE

23.12.2022
anju rani

Whether speaking/reasoned: Yes
Whether reportable: **No.**