

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

253-CRM-M-3222-2023

Date of Decision: 27.03.2023

SULAKHANI KAUR AND ORS.

... Petitioners

VS.

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Amit Gupta, Advocate for
Mr. Vipin Mahajan, Advocate for the petitioners

Mr. Mohit Thakur, AAG Punjab

Mr. Karan Choudhary, Advocate for respondents No.2&3

Sandeep Moudgil, J. (Oral)

The petitioner seeks quashing of the FIR No.47 dated 20.09.2016 under Sections 452/326/324/323/427/148/149 IPC, registered at Police Station Tibber, District Gurdaspur on the basis of compromise between the parties.

During the pendency of the dispute, the parties have compromised the matter. In view of the fact the FAO stands withdrawn, this Court vide order dated 20.01.2023, directed the parties to come present before this Court.

Today, at the outset, the parties have filed their respective affidavit, which are taken on record, stating that since the dispute between the parties have been amicably resolved and all pending litigations have come to an end, the present FIR may also be quashed on the basis of compromise.

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, prayer made in the present petition is allowed and the above mentioned FIR with all subsequent proceedings arising therefrom are quashed *qua* the petitioners in view of the compromise coupled with the affidavits filed today by the parties.

Disposed of.

Needless to say that the parties shall remain bound by the terms of compromise and their statements made before the Court below.

27.03.2023

V.Vishal

1. Whether speaking/reasoned?
2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
es/No