

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(202)

CRM-M-26270-2014

Date of Decision: 09.02.2023

Sunny Dhillon & others

--Petitioners

Versus

State of Punjab & another

--Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. G.S. Bedi, Advocate for the petitioners.

Mr. Karunesh Kaushal, AAG, Punjab.

Mr. Narinder Singh, Advocate for respondent no.2.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 482 Cr.P.C praying for quashing of order dated 9.5.2014 passed by learned SDJM, Gidderbaha vide which a direction has been given to the SHO, P.S., Gidderbaha under Section 156(3) Cr.P.C to register a FIR against the petitioners under the relevant provisions of law.

Learned counsel for the petitioners submits that on the basis of complaint dated 3.4.2014 filed by respondent no.2, DDR entry no.12 was made by SHO, P.S. Gidderbaha on 3.4.2014. Thereafter, police conducted an inquiry on its own and it was found that the complaint was false and no incident as alleged in the complaint took place. Thereafter, the respondent filed an application under Section 156(3) Cr.P.C seeking direction to the SHO concerned to register FIR against the petitioners. Learned SDJM, Gidderbaha issued notice in the same and directed the SHO concerned to send report on or before 9.5.2014 relating to the incident. S.H.O., Gidderbaha submitted his report dated 8.5.2014 wherein it was mentioned that the allegations made by the complainant Raghuvir Singh were false and

baseless, however, despite that report, the SDJM, Gidderbaha vide order dated 9.5.2014 directed the police to register an FIR under the relevant provisions of law. Aggrieved by the same petitioners have approached this court by way of filing the present petition.

This court vide order dated 5.8.2014 issued notice to the respondents.

Learned counsel for the petitioners, at the very outset, submits that during the pendency of this petition both the parties have amicably resolved their dispute and have compromised the matter and have decided to live in peace. He submits that in view of the compromise arrived at, both the parties do not want to pursue the litigation and hence the impugned order may be set aside in view of the compromise arrived at between the parties.

Learned counsel for the petitioner has placed on record compromise deed dated 28.1.2023, which is taken on record.

Learned counsel for respondent no.2 has affirmed the submissions made by counsel for the petitioners and has admitted the factum of compromise entered into between the parties. He submits that in view of the compromise both the parties do not want to pursue the litigation and hence the impugned order may be set aside on the basis of compromise.

Having heard learned counsel for the parties and perusing the record, it is apparent that the present petition is pending adjudication for the last about 8 years. Parties have duly compromised the matter and have decided to bring to an end the ongoing litigation between them.

In view of the judgment by the Hon'ble Supreme Court titled as

Mrs. Shakuntala Sawhney v. Mrs. Kaushalya Sawhney and Ors., (1980) 1

SCC 63, Hon'ble Krishna Iyer, J. aptly summed up the essence of compromise in the following words: *"The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship of reunion."*, this Court finds that the plea taken by the petitioners qualifies for its acceptance on the anvil of the settled law.

Applying the law settled by Hon'ble Supreme Court in plethora of judgments and this High Court, it is apparent that when the parties have entered into a compromise, then continuation of the proceedings would be merely an abuse of process of the Court and by allowing and accepting the prayer of the petitioners by quashing the impugned order would be securing the ends of justice, which is primarily the object of the legislature enacting under Section 482 Cr.P.C.

In the opinion of this Court, the ends of justice would be met in putting to rest the ongoing legal battle between the parties and hence, by exercising the power under Section 482 Cr.P.C., order dated 9.5.2014 passed by learned SDJM, Gidderbaha, is set aside in the interest of justice, on the basis of compromise arrived at between the parties.

Petition is allowed in the aforesaid terms.

(RAJESH BHARDWAJ)
JUDGE

09.02.2023

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No