

288 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH 2023:PHHC:158447

CRM-M-44614-2023 (O&M)
Date of Decision: 11.12.2023

BALJINDER SINGH

.....PETITIONER

Vs.

STATE OF PUNJAB AND ANOTHER ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Tanvir Singh Grewal, Advocate,
for the petitioner.

Mr. Harpreet Singh, Addl. A.G., Punjab.

Mr. Vishavjeet Gill, Advocate,
for the complainant.

HARPREET KAUR JEEWAN J. (ORAL)

1. Prayer in the present petition filed under Section 482 of the Criminal Procedure Code, 1973 is for quashing of the FIR No. 40 dated 28.03.2023, under Sections 498-A and 406 of the IPC, registered at Police Station Longowal, District Sangrur, on the basis of a compromise dated 10.08.2023 (Annexure P-4) executed between the parties.

2. Sh. Rajandeep Kaur Billing, Gurugram has sent a report with following observations:-

- *The compromise is willful and without any pressure or misrepresentation.*
- *Identity of the parties was ascertained by their respective Advocates.*
- *There is no other accused involved in the matter other than the accused namely Baljinder Singh who is not a proclaimed offender in this case.*
- *The case is at the stage of investigation.*
- *As per record given by the investigating officer, FIR No. 138, dated 19.12.2022, registered at Police Station Sandaur, under Sections 420, 467, 468 and 471 IPC, is also pending against the petitioner-accused.*
- *FIR was registered against the accused only.*
- *Compromise is forwarded in original.*
- *This is your kind information, please.*

3. The Hon'ble Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others 2007 (3) RCR (Criminal) 1052**, has held that the compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. While exercising powers under Section 482 of the Criminal Procedure Code, in the event of a compromise the power is not limited to matrimonial disputes alone. The only principle that can be laid down which has been incorporated in the Section itself i.e., "to prevent abuse of the process of any Court" or "to secure the ends of justice". The relevant para No.25 and 28 reads as under:-

"25. To conclude, it can safely be said that there can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under Section 482 of the Criminal Procedure Code. The only principle that can be laid down is the one which has been incorporated in the Section itself, i.e., "to prevent abuse of the process of any Court" or "to secure the ends of justice."

28. The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Criminal Procedure Code is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is "finest hour of justice. Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Criminal Procedure Code in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation."

4. Keeping in view the fact that the parties want to bury their dispute and do not want to further drag the litigation, the ends of justice would meet if FIR and consequential proceedings are quashed by accepting the compromise between the parties. Since the compromise is without any

coercion and pressure and the allegations in the FIR were not against the society, as such the criminal proceedings deserve to be quashed.

5. Consequently, the present petition is allowed and FIR No. 40 dated 28.03.2023, under Sections 498-A and 406 of the IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed qua the petitioner.

6. Pending miscellaneous application (s), if any, shall also stand disposed of.

December 11, 2023
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No