

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.269

CRM-M-46683-2023 (O&M)
Date of decision : 14.12.2023

Pritpal Singh

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. G.S. Hundal, Advocate, for the petitioner.

Mr. G.S. Sandhu, DAG, Punjab

Mr. R.S. Bhullar, Advocate, for
Mr. Ankush Chauhan, Advocate, for respondent No.2.

HARPREET KAUR JEEWAN, J. (Oral)

Prayer in the present petition filed under Section 482 of the Criminal Procedure Code, 1973 is for quashing of the FIR No.104 dated 15.07.2005, under Sections 452, 354, 341, 509 IPC, registered at Police Station Raikot, District Ludhiana and the summoning order dated 05.10.2019, on the basis of compromise deed dated 10.08.2023 (Annexure P-3) executed between the parties.

2. Learned counsel for the petitioner *inter alia* contends that the parties have amicably settled the dispute between them and a compromise deed dated 10.08.2023 (Annexure P-2) has also been executed between them. As such, prayer is made to quash the said FIR alongwith all consequent proceedings.

3. The FIR was registered against the petitioner on the statement of the respondent No.2 with the allegations that she is married having two children and residing in his village Pakhowal about six months before

registration of the FIR. The petitioner came to the house of the respondent No.2 on the pretext of checking the electric meter pertaining that he is working in electricity board and posted in Ahemadgarh. Thereafter, several times the petitioner used to pass that gesture whenever he used to meet the complainant in the market. On 14.07.2005, the petitioner came on his motorcycle and entered the house of the complainant. Thereafter, he entered in the bedroom of the complainant and started doing inappropriate things. On raising the alarm, the son of the complainant came there and many people from the neighbourhood also gathered.

4. Ms. Jagminder Kaur, Judicial Magistrate, Ist Class, Jagraon has sent a report with following observations:-

- *The compromise is willful and without any pressure or misrepresentation.*
- *There is no other accused involved in the matter other than the accused namely Pritpal 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 no other case against any of the accused is pending as on the day.*
- *FIR was registered against the accused only.*
- *Compromise is forwarded in original.*
- *This is your kind information, please.*

5. 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.”

6. After the registration of the FIR, cancellation report was filed by the police which was not accepted by the Area Magistrate and cognizance was taken and the petitioner was ordered to be summoned under Sections 452/354/341/509 IPC vide order dated 05.10.2019. Now, the parties have compromised the matter with the intervention of the Panchayat and the respectables as per compromise deed dated 10.08.2023 (Annexure P-3). Keeping in view the fact that a long run litigation has ended and parties wants to bury their dispute, as such, the present litigation would not be in the interest of justice. Resultantly, proceedings in the FIR deserve to be quashed to meet end of justice.

7. Consequently, the present petition is allowed and FIR No.104 dated 15.07.2005, under Sections 452, 354, 341, 509 IPC, registered at Police Station Raikot, District Ludhiana and the summoning order dated 05.10.2019, and all the subsequent proceedings emanating therefrom are ordered to be quashed qua the petitioner.

8. Pending miscellaneous application(s), if any, also stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

14.12.2023
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No