

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

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CRM-M-50538-2022 (O&M)

Date of decision: 12.12.2023

AMANDEEP SINGH AND ANOTHERPetitioners

Versus

STATE OF PUNJAB AND OTHERS ...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Pardhuman Garg, Advocate
for the petitioners.

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

Mr. Rudra Sharma, Advocate
for respondents No.2 and 3.

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.0171 dated 24.11.2021, under Sections 323, 354-A, 506, 34 of the IPC, registered at Police Station Balongi, District SAS Nagar (Mohali) on the basis of a compromise deed dated 29.09.2022 (Annexure P-2) executed between the parties.

2. Learned counsel for the petitioners submits that an unfortunate incident took place between the parties out of misunderstanding and in a fit of rage, but the matter was blown out of proportion by the complainant due to which the present FIR was got registered against the petitioners. He further submits that now the matter has been compromised between the parties.

3. Ms. Nidhi Saini, Judicial Magistrate 1st Class, Kharar has sent a report regarding the genuineness of the compromise between the parties with following observations:-

- 1. As per statement of Investigating Officer, there is no other accused person in the present FIR apart from accused/petitioner Amandeep Singh and Jashandeep Singh.*
 - 2. As per statement of Investigating Officer, there is no other complainant and no other affected/aggrieved party in the present FIR apart from the respondents.*
 - 3. As per statement of Investigating Officer, the parties are not involved in any other criminal case at present.*
 - 4. As per statement of Investigating Officer, none of the parties has been declared proclaimed offender.*
- In view of statement of parties, the compromise effected between them seems to be genuine, voluntary and without any coercion or undue influence.*

4. 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 .”

5. 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.
6. Consequently, the present petition is allowed and FIR No.0171 dated 24.11.2021, under Sections 323, 354-A, 506, 34 of the IPC, registered at Police Station Balongi, District SAS Nagar (Mohali) and all the subsequent proceedings emanating therefrom are ordered to be quashed qua the petitioners.
7. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

12.12.2023
P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No