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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3897-2024
DECIDED ON: 24.01.2024

AVTAR SINGH AND ANR. ...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR. ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kanhiya Soni, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No.80, dated 26.03.2019 under Sections 447/420/467/468/471/120-B of the Indian Penal Code, 1860, registered at Police Station Sadar Amritsar, District Police Commissionerate Amritsar (Annexure P-3) with all the consequential proceedings arising therefrom, on the basis of compromise dated 18.11.2021 (Annexure P-2).
2. Notice of motion.
3. Mr. H.S. Sitta, DAG, Punjab, accepts notice on behalf of the respondent-State.
4. Mr. S.P.S. Sandhu, Advocate has put in appearance on behalf of respondent No.2 and filed power of attorney. He has acknowledged the fact of compromise.
5. In terms of order dated 28.09.2021 passed in CRM-M-14047-2020, the parties were directed to appear before the District Mediation and Conciliation Centre, Amritsar on 05.10.2021 for exploring the possibility of an amicable settlement.

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6. In pursuance of aforesaid order dated 28.09.2021 passed in CRM-M-14047-2020, the parties have compromised the matter in the Mediation and Conciliation Centre at Amritsar on 18.11.2021 (Annexure P-2).

7. 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 parameters 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 ever- lasting 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.”

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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'.

9. 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 a waste of judicial time and there appears to be no chances of conviction.

10 In view of above, FIR (Annexure P-3), with all the consequential proceedings arising therefrom, is quashed qua the petitioners, on the basis of compromise dated 18.11.2021 (Annexure P-2). The present petition is, hereby, dismissed.

11. Needless to say that the parties shall remain bound by the terms of the compromise and their deposition made before the District Mediation and Conciliation Centre, Amritsar.

24.01.2024

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(SANDEEP MOUDGIL)
JUDGE

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