

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-10833-2024

Date of Decision: 22.04.2024

Sanjeev Joshi

... Petitioner

VS.

State of UT Chandigarh & Anr.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. VK Sachdeva, Advocate for the petitioner

Mr. Ankur Bali, Addl. PP, UT Chandigarh

Mr. Saksham Malhotra, Advocate for the complainant

Sandeep Moudgil, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.237, dated 04.11.2016 (Annexure P-1), under Sections 420, 467, 468 and 471 of the IPC, 1860 registered at Police Station Manimajra, Chandigarh, with all subsequent proceedings arising therefrom, on the basis of Memorandum of Settlement Deed dated 25.01.2024 (Annexure P-3).

During the pendency of the dispute, the parties have compromised the matter. Vide order dated 29.02.2024, parties were directed to appear before the Illaqa Magistrate/Trial Court and for report with regard to the genuineness of the compromise.

The report dated 08.04.2024 has been received from learned JMIC, Chandigarh stating that the parties have entered into a compromise without any undue influence or pressure.

A 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 para-meters 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 everlasting 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.”

The legal principles as laid down for quashing of the judgment were also 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'.

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 wastage of judicial time as there appears to be no chances of conviction.

Counsel for the complainant points out that the petitioner, who is the son, has filed 6 cases against her and till all the cases are withdrawn, the petition may be kept pending.

In counter thereto, learned counsel for the petitioner informs that 5 out of 6 cases have already been withdrawn and the 6th case is listed before this Court on 20.05.2024. He undertakes that the said petition shall also be withdrawn on the date fixed. In the light of the above, this Court has no reason to disbelieve the statement made by counsel for the petitioner.

In view of above, prayer made in the present petition is allowed and the above mentioned FIR with all subsequent proceedings arising therefrom are quashed *qua* the petitioner in view of the compromise.

However, it is made clear that in case any complaint which is left pending or not brought to the notice in the instant of terms of compromise, the respondent/complainant shall be at liberty to recall the present petition for revival of the FIR itself.

Disposed off.

Needless to say that the parties shall remain bound by the terms of compromise and their statements made before the Court below.

22.04.2024

V. Vishal

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Sandeep Moudgil)
Judge

Yes/No
Yes/No