

Sr. No.289

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37253-2023
Date of decision: 22nd February, 2024

PARWINDER SINGHPetitioner

versus

STATE OF PUNJAB AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Naveen Daryal, Advocate
for the petitioner.

Mr. Ramandeep Singh, Sr. DAG, Punjab.

Mr. Jatin Bansal Kotshamir, Advocate
for respondent No.2.

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.150 dated 14.07.2015, under Sections 354, 341, 506 IPC, 1860, registered at Police Station Derabassi, District S.A.S. Nagar, Punjab (Annexure P-1), on the basis of compromise/affidavit dated 27.07.2023 executed between the parties (Annexures P-2 and P-4).
2. Learned counsel for the petitioner contends that the FIR was registered at the instance of respondent No.2/complainant on account of a misunderstanding. With the intervention of the respectables, the matter has now been settled between the parties by way of an affidavit/compromise (Annexure P-2), wherein respondent No.2 has stated that he does not want to take any action against the petitioner and he has no objection if the FIR is quashed.
3. Learned State counsel has not raised any objection regarding the acceptance of the present petition.

4. Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties and submits that he has no objection if the present FIR against the present petitioner is quashed by this Court.

5. On 01.08.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

6. Pursuant to the aforesaid order, Sh. Pavleen Singh, SDJM, Derabassi has sent a report dated 24.08.2023, through District and Sessions Judge, SAS Nagar, with the following observations:-

- “1. As per the statements of the parties, Investigating Officer and FIR, there is only one accused in present FIR.
2. As per the statements of the Investigating Officer, the accused is not proclaimed offender.
3. As per the statements of the parties, the compromise entered between the parties is genuine, voluntary, without any coercion or undue influence.
4. As per the statement of the Investigating Officer, the accused/ petitioner is not involved in any other FIR except the present one.
5. The statement of the Investigating Officer is recorded, as directed by Hon’ble High Court. As per the statement of Investigating Officer, there is only one victim/complainant i.e. Parwinder Singh, in the present FIR.”

7. 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."

8. Keeping in view fact that the compromise is genuine and voluntary and the parties 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.

9. Consequently, the present petition is allowed and FIR No.150 dated 14.07.2015, under Sections 354, 341, 506 IPC, 1860, registered at Police Station Derabassi, District S.A.S. Nagar, Punjab (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed qua the petitioner.

10. All the pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

22nd February, 2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No