

CRM-M-46566-2023 (O&M) - 1 - 2023 : PHHC : 018075

284 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46566-2023 (O&M)
Date of Decision: 08.02.2024

BALVINDER SINGH AND OTHERS ... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Amit Puri, Advocate for the petitioners.

Mr. Amish Sharma, AAG Punjab.

Mr. Bhavnik Mehta, Advocate for
Mr. Simranjit Sarwara, Advocate for respondent No.2.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 50 dated 02.06.2023, under Sections 452, 354, 323, 506, 34 IPC, registered at Police Station Sadar Rajpura, District Patiala between the parties.

2. Learned counsel for the petitioners contends that the present FIR was registered at the instance of respondent No.2 on account of some quarrel in neighbourhood. Now, both the parties have settled their dispute amicably. Respondent No.2 does not want to take any action against the petitioners. Copy of the compromise dated 14.08.2023 has been appended as Annexure P-2 with the petition.

3. In view of order dated 04.10.2023 passed by the Co-ordinate Bench, the parties were directed to appear before the trial Court/Illaq Magistrate for recording their statement regarding the compromise.

4. Mr. Jaspreet Singh, Judicial Magistrate Ist Class, Rajpura has

sent a report with the following observations after recording the statements of the petitioners, respondent No.2 and ASI Paramjit Singh (Investigating Officer):-

- “ (i) The compromise is willful and without any pressure or mis-representation.
(ii) Identity of the parties was ascertained by their respective Advocates.
(iii) There is no other accused involved in the matter other than the petitioners.
(iv) The petitioners have never been declared Proclaimed Offender in the present FIR.
(v) As per record given by the investigating officer no other case against the accused is pending as on the day.
(vi) FIR was registered against the accused only.”*

5. Learned State counsel has not raised any objection regarding the acceptance of the present petition.

6. 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 petition is allowed.

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. Both the parties are residents of same village. It is a private dispute which stands resolved with the intervention of mediators, relatives and respectables. The parties have decided to live in peace and the compromise is genuine, as such, this Court is of the considered opinion that the present FIR should be quashed on the basis of compromise.

9. Consequently, this petition is allowed and FIR No. 50 dated 02.06.2023, under Sections 452, 354, 323, 506, 34 IPC, registered at Police Station Sadar Rajpura, District Patiala and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

10. Pending miscellaneous application (s), if any, shall also stand disposed of.

08.02.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

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