

268 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58399-2023 (O&M)
Date of Decision: 01.02.2024

KULWINDER SINGH @ KINDER AND OTHERS
.....PETITIONERS

Vs.
STATE OF PUNJAB AND ANOTHER
.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. L.M. Gulati, Advocate,
for the petitioners.

Mr. Kunwarbir Singh, A.A.G., Punjab.

Mr. Ashok Kumar, 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. 0203 dated 25.12.2021, under Sections 324 and 325 of the IPC read with Section 34 thereof, registered at Police Station Kathu Nangal, District Amritsar (Rural), on the basis of a compromise (Annexure P-2) executed between the parties.
2. Learned counsel for the petitioner *inter alia* contends that the FIR was registered at the instance of respondent No. 2 who is a neighbourer of the petitioners. Now with the intervention of the respectable, a compromise (Annexure P-2) has been effected between the parties and respondent No. 2 does not want to take any action against the petitioners in the present FIR.

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 22.11.2023, 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. Tushar Kaur Thind, Civil Judge (Junior Division)-cum Judicial Magistrate First Class, Amritsar, has sent a report dated 29.01.2024 with following observations:-

- *The compromise is willful and without any pressure or misrepresentation.*
- *Identity of the parties was ascertained by their respective Advocates.*
- *There is no other accused involved in the matter.*
- *The petitioners have never been declared Proclaimed Offender in the present FIR.*
- *As per record given by the investigating officer no other case against any of the accused is pending as on the day.*
- *FIR was registered against the petitioners only.*
- *Compromise is forwarded in original.*
- *This is your kind information, please.*

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 the fact that the parties are neighbourers and they want to finish 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. 0203 dated 25.12.2021, under Sections 324 and 325 of the IPC read with Section 34 thereof and all the subsequent proceedings emanating therefrom are ordered to be quashed qua the petitioners.

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

February 01, 2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No