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**(2010) 10 P&H CK 0126**  
**In the Punjab And Haryana At Chandigarh**  
**Case No : CRM No. M-8479 of 2010**

Amit Kumar alias Amrit Kumar

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

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**Date of Decision :** 26-10-2010

**Acts Referred:**

Criminal Procedure Code, 1973 (CrPC) — Section 482  
Penal Code, 1860 (IPC) — Section 379, 420

**Citation :** (2010) 10 P&H CK 0126

**Hon'ble Judges :** Mehinder Singh Sullar, J

**Bench :** Single Bench

**Final Decision :** Allowed

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## Judgement

Mehinder Singh Sullar, J.—The epitome of the facts, which need a necessary mention for a limited purpose of deciding the core controversy involved in the instant petition and emanating from the record, is that on 2.2.2010 at about 3 p.m., the Petitioner-accused came to the shop of complainant Sunil Kumar (Respondent No. 2) and selected two gold chains weighing 10 grams and instead of making payment, he took the same with him. On the basis of aforesaid allegations and in the wake of statement of the complainant, the present case was registered against the Petitioner-accused, vide FIR No. 6 dated 5.2.2010 (Annexure P-1), on accusation of having committed the offences punishable under Sections 379 and 420 IPC by the police of Police Station Mehtiana, Distt. Hoshiarpur.

2. During the course of investigation, the good sense prevailed and the parties have compromised the matter at the intervention of respectables, vide compromise deed (Annexure P-2), by virtue of which, the complainant undertook to make statement to withdraw the criminal case against the Petitioner.

3. In this manner, now the Petitioner has filed the instant petition for quashing the FIR (Annexure P-1) and all other subsequent proceedings thereto on the basis of compromise, invoking the provisions of Section 482 Code of Criminal

Procedure, inter-alia pleading that the parties have mutually agreed to live peacefully with love and affection. No revenge is left between them. The compromise is in their welfare and benefit. In order to ascertain the validity of the compromise, the Investigating Officer was directed to submit his report by a Coordinate Bench of this Court (Gurdev Singh, J.), vide order dated 23.8.2010. In pursuance thereof, Balkar Singh, Investigating Officer has filed his affidavit, reiterating that the parties have amicably settled their dispute. The complainant does not want to prosecute the Petitioner in the present case. He has also attached the compromise and statements of the parties in this regard. In other words, the parties have maintained and reiterated the contents of compromise (Annexure P-2).

4. Having regard to the rival contentions of the learned Counsel for the parties, having gone through the record with their valuable help and after bestowal of thoughts over the entire matter, to me, justice would be sub-served if the parties are allowed to compromise the matter in this relevant behalf.

5. The law of settlement of criminal disputes by virtue of compromise is not res-integra and is well settled. The clear and explicit intention of the Legislature in this context was transformed in reality by Hon"ble Apex Court in cases Manoj Sharma v. State and Ors. 2008 (4) RCR 827; B.S. Joshi v. State of Haryana 2003 (2) RCR 888 (SC) and Full Bench of this Court in case Kulwinder Singh and Ors. v. State of Punjab and Anr. 2007 (3) RCR 1052.

6. The crux of the law laid down in the aforesaid judgments is that the power u/s 482 Code of Criminal Procedure has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. 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 and 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 if the statement is fair being free from under pressure. Meaning thereby, the High Court has unlimited power to quash the criminal proceedings, relatable to such cheating disputes, on the basis of lawful settlement. The law laid down in the aforesaid judgments "mutatis mutandis" is fully applicable to the present case and is the complete answer to the problem in hand.

7. As the parties have lawfully agreed to settle the dispute, therefore, to my mind, there is no impediment in translating the wishes of the parties into reality and to quash the criminal prosecution to set the matter at rest to enable them to live in peace and to enjoy the life and liberty in a dignified manner as guaranteed by and as contemplated in the Constitution of India.

8. In the light of the aforesaid reasons, the instant petition is hereby accepted.

Consequently, FIR No. 6 dated 5.2.2010 (Annexure P-1) and all other subsequent proceedings thereto are quashed as well and the Petitioner is discharged, in the obtaining circumstances of the case.