
(2012) 05 P&H CK 0123
In the Punjab And Haryana At Chandigarh
Case No : Crm M-32397 of 2010

Baldeep Singh @ Prince and Others

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 23-05-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482
Penal Code, 1860 (IPC) — Section 148, 149, 307, 323, 324

Citation : (2012) 05 P&H CK 0123

Hon'ble Judges : Nirmaljit Kaur, J

Bench : Single Bench

Advocate : P.S. Mann, for the Appellant; Kirat Singh Sidhu, D.A.G. Punjab and Mr. Malkeet Singh, Advocate, for the Respondent

Final Decision : Allowed

Judgement

Nirmaljit Kaur, J.—In pursuance to the order dated 12.3.2012, comments from Lukhvinder Kaur, PCS, Judicial Magistrate Ist Class, Ludhiana has been received and the same is accepted. The present petition has been filed u/s 482 Cr.P.C. for quashing of FIR No.67 dated 29.3.2010 under Sections 323, 324, 326, 506, 148, 149 IPC Police Station Model Town Ludhiana and subsequent proceedings arising therefrom on the basis of compromise entered into between the parties.

2. The FIR in question was got registered by respondent No.2. However, the matter has been compromised between the parties due to the intervention of the respectable of the area. Compromise deed (Annexure P-2) has also been placed on record in this regard.

3. The parties are present in the Court through their respective counsel. Learned counsel for respondent No.2 has placed on record the affidavits of respondent No.2 as well as one Amanvir Singh/aggrieved person admitting the factum of compromise. As per the said affidavits, they have no objection if the FIR in question is quashed.

4. It is also pointed out by learned counsel for respondent No.2 that accused/respondents in FIR No.58 dated 18.3.2004 under Sections 307/326/324/323/148/149 IPC Police Station Sadar Ludhiana registered by the petitioners side against them have since been acquitted on the basis of said compromise.

5. The Full Bench of this Court, in the case of Kulwinder Singh and others v. State of Punjab and another 2007(3) RCR (Criminal) 1052 has held that 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 u/s 482 of the Cr.P.C. 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 not only in matrimonial discord but others as well, such compromise deserves to be accepted. It is further held as under:-

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 u/s 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar u/s 320 of the Cr.P.C in order to prevent the abuse of law and to secure the ends of justice.

6. In the case of Madan Mohan Abbot v. State of Punjab 2008(4) S.C. Cases 582, the Apex Court emphasised and advised as under:

We need to emphasise that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilised in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law."

7. Taking into account that the compromise has been effected between the parties, the affidavits of respondent No.2 as well as one Amanvir Singh/aggrieved person stating that they have no objection if the FIR is quashed and the statement made by learned counsel for respondent No.2 that accused in FIR No.58 dated 18.3.2004 under Sections 307/326/324/323/148/149 IPC Police Station Sadar Ludhiana have since been acquitted on the basis of said compromise, it is a fit case where there is no impediment in the way of the Court to exercise its inherent powers u/s 482 Cr.P.C. for quashing of FIR in the interest of justice. Accordingly, the present petition is allowed and FIR No.67 dated 29.3.2010 under Sections 323, 324, 326, 506, 148, 149 IPC Police Station Model Town Ludhiana and all subsequent proceedings arising therefrom are hereby quashed.