
(2021) 02 P&H CK 0337

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 43269 Of 2020 (O&M)

Baljeet Singh And Others

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 26-02-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 148, 149, 323, 325, 341, 452

Citation : (2021) 02 P&H CK 0337

Hon'ble Judges : H.S. Madaan, J

Bench : Single Bench

Advocate : J.S. Ghuman, KBS Mann

Final Decision : Allowed

Judgement

H.S. Madaan, J

Petitioners â?" Baljeet Singh, Ramandeep Singh, Dilbag Singh, Rajveer Singh, Jagmeet Singh, Hardeep Singh and Pinder Singh @ Parminder Singh

have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No.57 dated 23.05.2020, for offences under Sections 323, 341, 148

and 149 IPC (Sections 325 and 452 IPC added later on), registered at Police Station Sadar Malout, District Sri Muktsar Sahib, against them, along

with consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant/injured

Sukhdev Singh and Major Singh-arrayed as respondents No.2 and 3 respectively.

It is stated that the challan has since not been filed and the case is still at the stage of investigation.

When the petition came up for hearing on 21.12.2020, notice of motion was ordered to be issued. Respondent No. 1 - State of Punjab through State

counsel, whereas respondents No.2 and 3 through Mr. PBS Goraya, Advocate had put in appearance. Then in light of the contention that parties have

since effected compromise, they were directed to put in appearance before the trial Court/Illaq Magistrate to get their statements recorded with

regard to compromise and the trial Court was directed to send a report to this Court.

Report has been received from Judicial Magistrate 1st Class, Malout, in terms of which complainant/injured Sukhdev Singh and Major Singh and

accused, namely, Baljeet Singh, Ramandeep Singh, Dilbag Singh, Rajveer Singh, Jagmeet Singh, Hardeep Singh and Pinder Singh @ Parminder Singh,

had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, without

undue influence, any coercion, fraud or misrepresentation. Further, the complainant/injured have stated that they have no objection if the FIR in

question is quashed by this Court. There is nothing on record to doubt the genuineness of the compromise so arrived at between the parties. Along

with the report statement of the complainant/injured and all the accused, have been annexed.

I have heard learned counsel for the parties besides going through the record.

The dispute between the parties has been resolved amicably, which appears to have been arrived at between them voluntarily without any threat or

coercion and in terms of ratio of the authority reported as

Kulwinder Singh and others vs. State of Punjab and Anr. 2007 (3) RCR (Criminal) 1052, where in para 28, it has been held as under :-

“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 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”.

It has been observed that High Court has power to quash prosecution in order to achieve ends of justice and to prevent abuse of process of law.

Though such powers are unlimited but those are to be exercised sparingly and with utmost care and caution. Though there is no statutory bar which

can effect the inherent power of High Court under Section 482 Cr.P.C.

The compromise is in interest of peace and tranquility in the society and for such

like reasons this Court can quash the FIR and ancillary proceedings

exercising power under Section 482 Cr.P.C., it appears to be a fit case to exercise such powers.

Accordingly, the petition is allowed and the above said FIR along with ancillary proceedings are hereby quashed.