
(2011) 05 P&H CK 0127

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M 14401 of 2011

Balkour Singh and Others

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 27-05-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 173, 320, 482
Penal Code, 1860 (IPC) — Section 148, 149, 324, 326

Citation : (2011) 05 P&H CK 0127

Hon'ble Judges : Kanwaljit Singh Ahluwalia, J

Bench : Single Bench

Judgement

Kanwaljit Singh Ahluwalia, J.—The present petition has been filed u/s 482 Code of Criminal Procedure seeking quashing of FIR No. 279 dated 30.12.2005, registered at Police Station Kot Bhai, District Sri Muktsar Sahib, under Sections 326, 324, 148 and 149 IPC on the basis of compromise (Annexure P2).

2. In the present case, FIR was lodged at the instance of Iqbal Singh-Respondent No.2, wherein he stated that he was a resident of Kot Bhai and was doing an agricultural work. On 19.12.2005 at about 6.30 P.M. when he was present at Bus Stand Kothe Dashmesh Nagar along with his father Gandha Singh and one Jagjit Singh son of Jaspal Singh, resident of Fullowal, a TATA Sumo came there. Mander Singh son of Jarnail Singh armed with iron chain, Balkour Singh son of Jarnail Singh armed with takua and Jarnail Singh alias Kala armed with .12 bore gun alighted from the said Sumo. They were also accompanied by three more persons whose names were not known to the complainant, out of which, two were armed with dang and one with .12 bore gun. Mander Singh gave a chain blow on the back side of shoulder of the complainant, whereas Balkour Singh gave a takua blow on his head with an intention to kill him. The above said FIR was investigated and a report u/s 173 Code of Criminal Procedure was submitted. It is stated that in all, six persons were named as accused in the FIR. One of the accused Jarnail Singh had died during pendency of the case. Remaining five accused have filed the present petition.

3. Iqbal Singh, complainant/Respondent No. 2, is present in Court today. He has been identified by his counsel Mr. Aman Dhir, Advocate. Mr. Dhir has also placed on record an affidavit of Respondent No. 2-Iqbal Singh wherein the factum of compromise has been admitted. Learned Counsel for the State has submitted that the complainant does not intend to pursue the present FIR and the same be quashed as the parties, on the intervention of the respectables, have decided to bury the old hatchet and promote everlasting peace, amity and harmony.

4. Guriqbal Singh, Head Constable, Police Station Kot Bhai, who is present in Court to assist learned Counsel for the State, has also identified Respondent No. 2/complainant Iqbal Singh. Iqbal Singh has also stated that a Panchayati Compromise has been arrived at and it would be in the interest of all if the FIR is quashed so that the parties may resume their cordial relations.

5. A Full Bench of this Court in *Kulwinder Singh and Ors. v. State of Punjab and Another* 2007 (3) RCR (Cri) 1052 has held as under:

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 u/s 482 of the Code of Criminal Procedure 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 u/s 482 of the Code of Criminal Procedure 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.

29. The only inevitable conclusion from the above discussion is that there is no statutory bar under the Code of Criminal Procedure 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 Code of Criminal Procedure, in order to prevent the abuse of law and to secure the ends of justice.

30. The power u/s 482 of the Code of Criminal Procedure is to be exercised *Ex-Debitia Justitia* to prevent an abuse of process of Court. There can neither be an exhaustive list nor the defined parameters to enable a High Court to invoke or exercise its inherent powers. It will always depend upon the facts and circumstances of each case. The power u/s 482 of the Cr.P.C. has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The exercise of power has to be with circumspection and restraint. 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. 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.

6. Taking totality of the circumstances into consideration that the parties have resolved their dispute amicably and the ratio of law laid down in *Kulwinder Singh and Ors. v. State of Punjab and Anr.* 2007 (3) RCR (Cri) 1052, the present petition is accepted. The impugned FIR along with all its consequential proceedings is quashed.