
(2010) 10 P&H CK 0193

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M 23572 of 2010

Balwinder Singh and Others

APPELLANT

Vs

The State of Punjab and Another

RESPONDENT

Date of Decision : 01-10-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482
Penal Code, 1860 (IPC) — Section 148, 149, 323, 324, 326

Citation : (2010) 10 P&H CK 0193

Hon'ble Judges : Jaswant Singh, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Jaswant Singh, J.—Prayer is u/s 482 Cr.PC for quashing of FIR No. 128 dated 10.7.2010 under Sections 323, 324, 326, 148 and 149 of Indian Penal Code registered with Police Station Morinda, District Ropar on the basis of compromise dated 26.07.2010(Annexure P-2).

2. In the FIR, complainant Mulk Raj had levelled allegations against the petitioners that all of them armed with deadly weapons came to the house of the complainant and abused the sons of the complainant. Upon this when complainant along with his sons went to the gate of his house and asked the petitioners not to use abusive language, petitioners attacked them and also gave them injuries with iron rods, sticks and swords which they were carrying with them at the time of occurrence.

3. While issuing notice of motion parties were directed to appear before the learned trial court by making appropriate application who shall record their statements and submit his report regarding the genuineness of the compromise.

4. Today Mr. Rajesh Dhiman, Advocate has put in appearance on behalf of the respondents Nos. 3 to 6 and has stated that compromise Annexure P-2 has been arrived at between the parties.

5. Report (Mark-A) accompanied by letter dated 16.9.2010 of learned Chief Judicial Magistrate, Rupnagar, has been received wherein it is stated that the parties appeared before that court and suffered statements recorded separately before that court. Complainant in his statement has stated that he has compromised the matter with the accused persons and has no objection if the aforesaid FIR and all consequential proceedings are quashed against them.

6. From the report submitted it is evident that the dispute between the petitioners-accused and the complainant has been amicably resolved by entering into compromise wherein the complainant has stated that he has no objection if the present FIR against the petitioners-accused is quashed.

7. Learned State Counsel submits that challan in the present case has not been presented and is unable to raise any serious objection in view of the aforesaid compromise wherein the complainant has deposed on the basis of the compromise since the complainant is not willing to pursue the present FIR.

8. A Full Bench of this Court in Kulwinder Singh and Ors. v. State of Punjab and Anr. 2007 (3) RCR 1052 has held that this Court, in appropriate cases, while exercising powers u/s 482 Code of Criminal Procedure, may quash an FIR disclosing the commission of non-compoundable offences. The relevant extracts read as under:

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.

9. Similar views were expressed by Hon"ble the Apex Court in Madan Mohan Abbot Vs. State of Punjab, , the relevant extract of which is 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.

10. Keeping in view the above settled legal position and taking into account the fact that both the parties have desired to live in peace and harmony and carry on with their lives without any ill will or rancour by resolving their differences and entering into the aforesaid compromise, it is evident that it is a fit case where there is no legal impediment in the way of the Court to exercise its inherent

powers u/s 482 Code of Criminal Procedure, for quashing of the FIR in the interest of justice.

11. Accordingly, the present petition is allowed and FIR No. 128 dated 10.7.2010 under Sections 323, 324, 326, 148 and 149 of Indian Penal Code registered with Police Station Morinda, District Ropar and all subsequent proceedings arising therefrom are quashed.