

(2010) 10 P&H CK 0110

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M 11405 of 2010

Bhag Singh and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 25-10-2010

Acts Referred:

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

Citation : (2010) 10 P&H CK 0110

Hon'ble Judges : Jaswant Singh, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Jaswant Singh, J.—Prayer is u/s 482 CrPC for quashing of FIR No. 28 dated 1.2.2010 under Sections 452, 323, 324, 148 and 149 of

Indian Penal Code and later on added offence u/s 307 and 325 of Indian Penal Code registered with Police Station City Taran Taran, District

Taran Taran and other proceedings arising out of the aforesaid FIR on the basis of compromise (Annexure P-3) arrived at between the parties.

2. In the FIR, complainant Harjinder Singh had levelled allegations against the petitioners that on the night of 22.1.2010 when complainant along

with his brother Lakhwinder Singh were lying in the Chabara of their house after taking dinner all the petitioners armed with deadly weapons such

as Kirpans, Dangs & Gandasies used abusive language towards the complainant and his family members and also inflicted injuries on the person of

complainant as well as Lakhwinder Singh as the complainant and his brother have gone to the Police Post for help of Sukhdev Singh due to which

petitioners got annoyed.

3. After issuance of notice of motion reply by way of affidavit on behalf of the respondent No. 2 has been filed in the court.

4. On the last of hearing, parties were directed to appear before the learned Illaqa Magistrate by making appropriate application who shall record

their statements and submit his report regarding the genuineness of the compromise.

5. Report (Mark-A) in the shape of letter dated 21.10.2010 of learned Chief Judicial Magistrate, Taran Taran along with photocopies of

statements of the parties concerned has been received wherein it is stated that the parties appeared before that court and suffered statements

recorded separately before that court. Complainants in their statements have stated that they have compromised the matter with the accused

persons-petitioners and complainant Harjinder Singh has also received Rs. 80,000/- for his medical treatment and have 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 complainants has been amicably resolved by

entering into compromise wherein the complainants have stated that they have no objection if the present FIR against the petitioners-accused is

quashed.

7. Learned State Counsel is unable to raise any serious objection in view of the aforesaid compromise wherein the complainants have deposed on

the basis of the compromise and since the complainants are not willing to pursue the present FIR. It is further submitted that challan in the present

case is yet to be presented.

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 Cr.P.C., may quash an FIR disclosing the commission of noncompoundable offences. The relevant extracts

read 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.

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 Cr.P.C., for quashing of the FIR in the interest of justice.

11. Accordingly, the present petition is allowed and FIR No. No. 28 dated 1.2.2010 under Sections 452, 323, 324, 148 and 149 of Indian Penal Code and later on added offence u/s 307 and 325 of Indian Penal Code registered with Police Station City Taran Taran, District Taran Taran and all subsequent proceedings arising therefrom are quashed against all the petitioners.