
(2020) 09 P&H CK 0232

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 30655 Of 2020

Dalsher Singh @ Dilsher Singh

APPELLANT

Vs

State Of Punjab And Another

RESPONDENT

Date of Decision : 30-09-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 320, 482
Indian Penal Code, 1860 — Section 279, 337, 338

Citation : (2020) 09 P&H CK 0232

Hon'ble Judges : B.S. Walia, J

Bench : Single Bench

Advocate : Gursharan Kaur Mann

Final Decision : Disposed Of

Judgement

B.S. Walia, J

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of pandemic Covid-19.

2. Prayer in the petition under Section 482 Cr.P.C. is for quashing of FIR No.17 dated 29.01.2015, registered under Sections 279, 337 and 338 Indian Penal Code, 1860, at Police Station Cantonment, District Amritsar as well as all subsequent proceedings arising therefrom, on the basis of affidavit/compromise, Annexure P/2 dated 08.05.2020.

3. Notice of motion.

4. Mr. Saurav Khurana, DAG, Punjab accepts notice on behalf of respondent No.1, while Mr. Sunil Kamboj, Advocate, puts in appearance on behalf of respondent No.2.

5. Learned counsel for the petitioner contends that the FIR was registered on the allegations that on 27.01.2015, the complainant/respondent No.2 while crossing Janiya Heritage Guest House, was hit by Alto car, white colour being driven by

the petitioner as a result of which, complainant/ respondent No.2, fell down and received injuries, whereupon she was taken to Ranjit Hospital.

6. Learned counsel contends that in the circumstances, the aforementioned FIR was got registered by respondent No.2 against the petitioners but now with the intervention of friends and relatives as well as respectable members of society, the matter had been amicably settled between the petitioners and respondent No.2 by way of compromise/affidavit Annexure P/2 dated 08.05.2020 and she has no objection if the aforementioned FIR and all subsequent proceedings in respect thereto, are quashed.

7. Learned counsel for the petitioner states that respondent No.2 has filed an affidavit Annexure P/2, compromising the matter with the petitioner and undertaking not to take any legal action against the petitioner but the learned JMIC Amritsar vide order Annexure P/4 dated 02.06.2016, rejected cancellation report on the ground that Section 279 IPC was non-compoundable. Learned counsel has also referred to the decision of this Court in Kulwinder Singh and others vs. State of Punjab and another 2007 (3) RCR (Criminal) 1052 that in view of compromise no useful purpose would be served by prolonging the litigation. Relevant extract of the decision in Kulwinder Singh's case (supra) is reproduced 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 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". 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 under Section 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to 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 Cr.P.C. which can be affected the inherent power of this Court under Section 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 under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice."

8. Learned DAG, Punjab, on instructions from ASI Balbir Singh, informs the Court that there is no other case against the petitioners, besides no P.O. proceedings are pending and that no challan has been presented till date.

9. Learned counsel appearing on behalf of respondent No.2 states that he has no objection if the aforementioned FIR as well as all subsequent proceedings arising therefrom, are quashed, on the basis of compromise/affidavit, Annexure P/2

dated 08.05.2020.

10. Keeping in view the fact that matter has been compromised between the parties vide compromise/affidavit Annexure P/2 dated 08.05.2020, and the parties have decided to get the FIR quashed, there is no impediment in the way of this Court to exercise its inherent powers under Section 482 Cr.P.C. for quashing of the FIR in the interest of justice.

11. Accordingly, in the light of the position as noted above, FIR No.17 dated 29.01.2015, registered under Sections 279, 337 and 338 Indian Penal Code, 1860, at Police Station Cantonment, District Amritsar as well as all subsequent proceedings arising therefrom, are quashed, qua the petitioner on the basis of compromise/affidavit, Annexure P/2 dated 08.05.2020.

12. Petition stands disposed of in the aforementioned terms.