

(2012) 10 P&H CK 0120

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-2745 of 2012 (O and M)

Devender Kumar

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 01-10-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482
Penal Code, 1860 (IPC) — Section 420, 465, 467, 468, 471

Citation : (2012) 10 P&H CK 0120

Hon'ble Judges : Vijender Singh Malik, J

Bench : Single Bench

Advocate : J.P. Dhull, for the Appellant; K.D. Sachdeva, A.A.G. Punjab, for the State and None, for the Respondent

Final Decision : Allowed

Judgement

Vijender Singh Malik, J.—Devender Kumar, the petitioner has brought this petition under the provisions of section 482 Cr. P.C., for quashing of FIR No. 279 dated 21.10.2011, registered at Police Station City Rajpura, District Patiala (Annexure P1) for an offence punishable under sections 420, 465, 467, 468 and 471 of Indian Penal Code along with all the subsequent proceedings arising out of the same, on the basis of compromise (Annexure P2) arrived at between the parties. Vide orders dated 24.8.2012, passed by this court, the parties were directed to appear before the trial court in order to make statements with regard to the compromise arrived at between them. Learned Judicial Magistrate Ist Class, Rajpura recorded the statements of the parties and submitted her report vide letter dated 28.9.2012. According to her, the parties have compromised the matter.

2. Compromise brings not only peace and harmony between the parties to a dispute but also restores tranquility in the society. Taking restoration of peace and harmonious relations between the parties and order in the society as the prime concerns of law, it was held in Dharambir Vs. State of Haryana, 2005 (3)

RCR (Cri.) 426 by this court that a non compoundable matrimonial offence could be quashed on the basis of compromise between the parties to achieve the aforesaid object.

3. A Larger Bench of five Hon'ble Judges of this court in Kulwinder Singh and others Vs. State of Punjab and another 2007 (3) RCR (Cri.) 1052, has taken the following decision regarding the other non-compoundable offences:-

29. 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.

4. In view of the above mentioned decisions, the FIRs in non-compoundable offences could be quashed on the basis of compromise. However, before accepting the petition and quashing the proceedings, the court has to satisfy itself that the compromise is just and fair in which no party is taking undue benefit. Simultaneously, it has to be seen that the compromise is free from undue pressure. Once it is found that the compromise is just and fair and is not brought about by undue pressure of one party upon the other, the court has then to see that the quashing of FIR would secure the ends of justice or would prevent abuse of process of law. Keeping in view the aforesaid facts, continuation of the prosecution for the aforesaid offence, in the said FIR where the respondent No. 2 would not be supporting the allegations against the petitioner at the trial, would be a futile exercise. Therefore, I accept the petition and quash FIR No. 279 dated 21.10.2011, registered at Police Station City Rajpura, District Patiala (Annexure P1) for an offence punishable under sections 420, 465, 467, 468 and 471 IPC along with all the subsequent proceedings arising out of the same.