
(2010) 10 P&H CK 0344
In the Punjab And Haryana At Chandigarh
Case No : CRM No. M-25655 of 2010

Hakam Chand and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 27-10-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 323, 324, 326, 452

Citation : (2010) 10 P&H CK 0344

Hon'ble Judges : Mehinder Singh Sullar, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Mehinder Singh Sullar, J.—As identical questions of law and facts are involved in the aforesaid two petitions, arising out of the same case/FIR, therefore, I propose to decide the same, vide this common order, in order to avoid the repetition of the facts. However, for facilitation, the facts have been extracted from CRM No. M-25655 of 2010.

2. The compendium of the facts, which need a necessary mention for a limited purpose of deciding the core controversy raised in the instant petitions and emanating from the record, is that the watercourse for irrigating the agricultural land of complainant Bhola Singh (Respondent No. 2) passed through the fields of Petitioners Hakam Chand and others. They dismantled the same by ploughing the fields. Baldev Singh, the elder brother of the complainant lodged a protest with them in this behalf. Thereafter, Petitioner Hakam Chand misbehaved with him. This was the motive alleged by the prosecution for commission of offences against the Petitioners. According to the prosecution that on the intervening night of 7/8.7.2010 at about 12.30 A.M., the Petitioners-accused armed with sword, gandasa and gun entered the house of the complainant. They raised lalkaras. Petitioner-accused Sukhdev Raj was stated to have inflicted sword blow on the head of the complainant. Simultaneously, Jagdish Chand gave a gandasa

blow, which landed on his head. The complainant felled on the ground. As soon as, PW Baldev Singh came to rescue him (complainant) from the clutches of the Petitioners-accused, in the meantime, Petitioner Hakam Chand gave a sword blow, which hit on the finger of his left hand. Jagdish Chand repeated the injuries on the left shoulder of Baldev Singh. They raised noise. The people residing in the surrounding vicinity came there and saved them from the clutches of the accused.

3. Levelling a variety of allegations and narrating the sequence of events, in all, according to the prosecution that all the Petitioners-accused caused injuries to the complainant and his brother Baldev Singh PW with their respective weapons. On the basis of aforesaid allegations and in the wake of statement of complainant Bhola Singh (Respondent No. 2), the present case was registered against the Petitioners-accused, vide FIR No. 124 dated 9.7.2010 (Annexure P-1), on accusation of having committed the offences punishable under Sections 323, 324, 326 and 452 IPC, by the police of Police Station Sadar Jalalabad, District Ferozepur.

4. The case of the prosecution further proceeds that during the course of the occurrence, the complainant party also caused injuries to the accused party i.e. Hakam Chand and Sukhdev Raj. Petitioner Hakam Chand stated his version in his statement (Annexure P-2), on the basis of which, a cross case was also registered against the complainant party i.e. Bhola Singh complainant and his brother Baldev Singh PW.

5. During the course of investigation, the good sense prevailed and the parties have amicably settled their disputes, by virtue of compromise deed (Annexure P3).

6. That being so, now the Petitioners-accused and complainant party have filed the present petitions for quashing their respective cross cases registered against each other on the basis of compromise, invoking the provisions of Section 482 Code of Criminal Procedure, inter-alia, pleading that they have settled all their disputes at the instance of the respectables of the village. They have decided to live peacefully in the village and undertook to cancel the cross cases registered against each other. The parties have maintained and reiterated the factum of compromise (Annexure P-3), vide their separately recorded statements.

7. Above being the position on record, now the sole question that arises for determination in this petition is as to whether it would be expedient in the interest of justice to quash the criminal prosecution or not?

8. Having heard the learned Counsel for the parties, having gone through the record with their valuable help and after bestowal of thoughts over the entire matter, to me, justice would be sub-served if the parties are allowed to compromise the matter in this relevant context.

9. The law of settlement of criminal disputes by virtue of compromise is not res-

integra and is well settled. The clear and explicit intention of the Legislature in this respect was transformed in reality by Hon"ble Apex Court in cases Manoj Sharma v. State and Ors. 2008 (4) RCR 827; B.S. Joshi v. State of Haryana 2003 (2) RCR 888 (SC) and Full Bench of this Court in case Kulwinder Singh and Ors. v. State of Punjab and Anr. 2007 (3) RCR 1052.

10. The epitome of the law laid down in the aforesaid judgments is that the power u/s 482 Code of Criminal Procedure has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. 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 and 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 if the statement is fair being free from under pressure. Meaning thereby, the High Court has unlimited power to quash the criminal proceedings, relatable to such injury cases, on the basis of lawful settlement. The law laid down in the aforesaid judgments "mutatis mutandis" is fully applicable to the present case and is the complete answer to the problem in hand.

11. Meaning thereby, it stands proved on record that the parties have compromised the matter. Their land adjoins the land of each other. They belong to the same village and the compromise would be in their welfare and interest. Moreover, the incident originated at the spur of moment, owing to the demolition of watercourse. As the parties have lawfully agreed to settle the dispute, therefore, to my mind, there is no impediment in translating the wishes of the parties into reality and to quash the criminal prosecution to set the matter at rest to enable them to live in peace and to enjoy the life and liberty in a dignified manner as guaranteed by and as contemplated in the Constitution of India.

12. In the light of the aforesaid reasons, the instant petitions are hereby accepted. Consequently, FIR No. 124 dated 9.7.2010 as well as cross version (Annexure P-1) and all other subsequent proceedings thereto are quashed and the Petitioners-accused in both the cases are discharged, in the obtaining circumstances of the case.