

(2011) 01 P&H CK 0277
In the Punjab And Haryana At Chandigarh
Case No : CRM M-22902 and 32406 of 2010

Harjit Kaur Mann

APPELLANT

Vs

State of Punjab and Another
 Jaswant Singh Mann and
Another Vs State of Punjab and Others

RESPONDENT

Date of Decision : 17-01-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482
Penal Code, 1860 (IPC) — Section 34, 406, 498A

Citation : (2011) 01 P&H CK 0277

Hon'ble Judges : Nirmaljit Kaur, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Nirmaljit Kaur, J.—By this common order, Crl. M. No. 22902-M of 2010 and Crl. M. No. 32406-M of 2010 shall be decided together wherein the prayer is for quashing of FIR No. 108 dated 31.5.2008 under Sections 498-A, 34 IPC (later on Section 406 IPC was added) Police Station City Moga and subsequent proceedings arising there from on the basis of compromise entered into between the parties.

2. The FIR in question was got registered by Harjit Kaur, who herself has filed Crl. M. No. 22902-M of 2010 stating that the matter has been compromised and the FIR in question be quashed. Whereas, Crl. M. No. 32406-M of 2010 has been filed by the other accused involved in the FIR. However, the compromise between the parties has been noticed vide order dated 6.7.2010 (Annexure P-1) passed by this Court in C.R. No. 7175 of 2009.

3. Vide order dated 7.10.2010 passed in Crl. M. No. 22902-M of 2010, The Chief Judicial Magistrate, Moga, was directed to record the statements of the Petitioner-Harjit Kaur and all the accused regarding the matter having been compromised and sent a report to this Court.

4. In pursuance to the same, the report of the Chief Judicial Magistrate, Moga, has been received. It is submitted in the said report that the statements of the parties have been recorded. As per their statements, it appears that the matter having been compromised between the parties. It is further submitted that as per compromise and in compliance of order passed in Crl. M. No. 22902-M of 2010 dated 7.10.2010, the Petitioner-Harjit Kaur has received Demand Draft No. 038924 dated 8.10.2010 for Rs. 2,00,000/-from accused Jasdeep Singh, Jaswant Singh and Jasbir Kaur. She has no objection in case the FIR in question is quashed qua all the accused. It is further submitted in the report that now no claim of complainant Harjit Kaur is pending against them.

5. Thus, there is no doubt that the matter has been compromised as above.

6. The Full Bench of this Court, in the case of Kulwinder Singh and Ors. v. State of Punjab and Anr. 2007(3) RCR 1052 has held that the compromise, in a modern society, is the sine qua non of harmony and orderly behavior. It is the soul of justice and if the power u/s 482 of the Code of Criminal Procedure 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 not only in matrimonial discord but others as well, such compromise deserves to be accepted. It is further held 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.

7. In the case of Madan Mohan Abbot Vs. State of Punjab, , the Apex Court emphasized and advised as under:

We need to emphasis 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 favor of the prosecution is a luxury which the courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilized 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.

8. Taking into account that the compromise has been effected between the parties, report submitted by the Chief Judicial Magistrate, Moga and the petition filed by the complainant herself stating that FIR in question be quashed, it is a fit case where there is no impediment in the way of the Court to exercise its inherent powers u/s 482 Code of Criminal Procedure for quashing of FIR in the interest of justice.

9. Accordingly, the present petitions are allowed and FIR No. 108 dated 31.5.2008 under Sections 498-A, 34 IPC (later on Section 406 IPC was added) Police Station City Moga and all subsequent proceedings arising there from are hereby quashed.

10. A copy of this order be placed in the connected case.