
(2012) 07 P&H CK 0201

In the Punjab And Haryana At Chandigarh

Case No : CRM No. M-13804 of 2012 (O and M)

Harmel Singh and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 17-07-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 173, 482
Penal Code, 1860 (IPC) — Section 148, 149, 323, 324, 325

Citation : (2012) 07 P&H CK 0201

Hon'ble Judges : Mehinder Singh Sullar, J

Bench : Single Bench

Advocate : Gurnam Kaur Turka, for the Appellant; Raj Preet Singh Sidhu, Assistant Advocate General, Punjab, for respondent No. 1-State and Ms. Vinod Agnihotri, Advocate, for the Respondent

Final Decision : Allowed

Judgement

Mehinder Singh Sullar, J.—The reply filed on behalf of respondent Nos.2 to 4 today in the Court, is taken on record, subject to all just exceptions. The compendium of the facts, which needs a necessary mention for the limited purpose of deciding the core controversy, involved in the instant petition and emanating from the record is that, in the wake of statement of the complainant-Sukhwinder Singh son of Jagar Singh, respondent No. 2 (for brevity "the complainant"), a criminal case was registered against the petitioners-accused, by way of FIR No. 65 dated 05.06.2006(Annexure P-1), for the commission of offence punishable under Sections 323, 324, 325, 341, 148 and 149 IPC, by the police of Police Station Banur, District Patiala.

2. After completion of the investigation, the police submitted the challan/final police report in terms of Section 173 Cr.P.C. to prosecute the petitioners-accused for the commission of indicated offences in the Court. Accordingly, they were charge-sheeted and the case was slated for evidence of the prosecution.

3. During the pendency of the criminal case, good sense prevailed and the

parties have amicably settled their disputes, by virtue of compromise-deed dated 26.04.2012(Annexure P-2).

4. Having compromised the matter, now the petitioners have directed the present petition for quashing the FIR(Annexure P-1) on the basis of compromise(Annexure P-2), invoking the provisions of Section 482 Cr.P.C., inter alia, pleading that with the intervention of respectables, they have amicably settled the disputes. The complainant does not want to pursue the matter further. He has no objection if the FIR and all other subsequent proceedings arising therefrom are quashed. On the strength of aforesaid grounds, the petitioner sought to quash the FIR(Annexure P-1) and all other subsequent proceedings arising therefrom, in the manner depicted hereinabove.

5. Meaning thereby, it stands proved on record that the parties have amicably settled their disputes by means of compromise(Annexure P-2). Not only that, complainant-Sukhwinder Singh has also filed an affidavit(Annexure P-3) in this regard. Moreover, respondent Nos.2 to 4, the complainant and other injured witnesses have also filed the reply by way of affidavit, reiterating the factum of compromise between the parties.

6. Such thus being the position on record, now the short and significant question, though important, that arises for determination in this petition is, as to whether the present criminal prosecution against the petitioners deserves to be quashed in view of the compromise or not?

7. Having regard to the contentions of the learned counsel for the parties, to my mind, it would be in the interest and justice would be sub-served, if the parties are allowed to compromise the matter. Moreover, learned counsel for the parties are ad idem that, in view of the settlement of dispute between the parties, the present petition deserves to be accepted in this context.

8. What cannot possibly be disputed here is that the law with regard to quashing such criminal prosecution on the basis of settlement between the parties by virtue of compromise, has now been well-settled by the Hon"ble Supreme Court in cases Shiji @ Pappu and others Versus Radhika and another, 2012 (1) RCR (Criminal) 9, Manoj Sharma v. State & Ors. 2008 (4) RCR (Criminal) 827; B.S. Joshi v. State of Haryana 2003 (2) RCR (Crl.) 888 (SC) and Full Bench of this Court in case Kulwinder Singh and others v. State of Punjab and another 2007 (3) RCR (Criminal) 1052, wherein it was ruled that the High Court has vast inherent power to quash the criminal prosecution on the basis of settlement of disputes between the parties.

9. The epitome of the law laid down in the aforesaid judgments is that the power u/s 482 Cr.PC 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 disputes, on the basis of lawful settlement within the framework and restriction described by the Hon"ble Supreme Court. The ratio of the law laid down in the aforesaid judgments "mutatis mutandis" is fully attracted to the facts of the present case and is the complete answer to the problem in hand.

10. As is evident from the record that, with the intervention of relatives of both the parties and respectables of the village, the parties have compromised the matter. They belong to the same village and from the same brotherhood. They want to live in peace in future. Now they have no grudge against each other. The complainant-party has no objection if the criminal case registered against the petitioners-accused is quashed. Thus, it would be seen that since, the compromise is in the welfare and interest of the parties, so, there is no impediment in translating their wishes 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. Therefore, to me, the impugned FIR(Annexure P-1) and all other subsequent proceedings arising therefrom, deserve to be quashed in this respect. In the light of aforesaid reasons, the instant petition is hereby accepted. Consequently, FIR No. 65 dated 05.06.2006(Annexure P-1) and all other subsequent proceedings arising therefrom, are quashed. The petitioners-accused are acquitted of the charges framed against them, in the obtaining circumstances of the case.