
(2018) 09 P&H CK 0036

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous -M- No. 14714 of 2018

Harmesh Singh @ Mesha and others

APPELLANT

Vs

State of Punjab and others

RESPONDENT

Date of Decision : 10-09-2018

Acts Referred:

Code of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 34, 363, 366A, 506

Citation : (2018) 09 P&H CK 0036

Hon'ble Judges : H.S. Madaan, J

Bench : Single Bench

Advocate : Vikasdeep Singh, Rakeshinder Singh Sidhu, Vikas Gupta

Final Decision : Allowed

Judgement

Petitioners Harmesh Singh @ Mesha and others have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 22 dated

9.2.2018, for offences under Sections 363, 366-A, 506, 34 IPC, registered at Police Station Fattu Dzinga, District Kapurthala against them, alongwith

consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Sumanjit Kaur

(minor) through her father Joga Singh arrayed as respondent No.2. It is stated that the parties belong to the same village.

When the petition came up for hearing on 9.7.2018, notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab through State

counsel, whereas respondents No.2 and 3 through Mr. Vikas Gupta, Advocate had put in appearance. Then in light of the contention that parties have

since effected compromise, they were directed to put in appearance before the trial Court to get their statements recorded with regard to compromise

and the trial Court was directed to send a report to this Court.

Report has been received from Sub Divisional Judicial Magistrate, Sultanpur Lodhi, in terms of which complainant-respondent no. 2 Sumanjit Kaur and

accused, namely, Harmesh Singh @ Mesha, Kuldeep Singh and Harpreet Singh @ Happy had appeared there and their statements were recorded, in

terms of which they have admitted to have entered into a voluntary compromise, with free will, without any pressure, coercion or undue influence.

Further complainant has stated that she has no objection if the FIR in question is quashed by this Court. There is nothing on record to doubt the

genuineness of the compromise so arrived at between the parties. It has been reported that no accused has been declared proclaimed offender in the

FIR in question. Alongwith the report statement of the complainant and all the accused, in original, have been annexed.

I have heard learned counsel for the petitioners, learned counsel for respondents no. 2 and 3 and learned State counsel, besides going through the record.

Learned counsel for the complainant admits the factum of compromise between the parties.

The dispute between the parties has been resolved amicably, which appears to have been arrived at between them voluntarily without any threat or

coercion and in terms of ratio of the authority reported as Kulwinder Singh and others vs. State of Punjab and others 2007 (3) RCR (Criminal) 1052,

where in para 28, it has been held as under :-

“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

“the finest hour of justice.”

It has been observed that High Court has power to quash prosecution in order to achieve ends of justice and to prevent abuse of process of law.

Though such powers are unlimited but those are to be exercised sparingly and with utmost care and caution. Though there is no statutory bar which

can effect the inherent power of High Court under Section 482 Cr.P.C.

The compromise is in interest of peace and tranquility in the society and for such like reasons this Court can quash the FIR and ancillary proceedings

exercising power under Section 482 Cr.P.C., it appears to be a fit case to exercise such powers.

Accordingly, the petition is allowed and the abovesaid FIR alongwith ancillary proceedings are hereby quashed.