
(2013) 03 P&H CK 0069

In the Punjab And Haryana At Chandigarh

Case No : Criminal Misc. No. M-4278 of 2013 (O & M)

Harnek Singh and Others

APPELLANT

Vs

State of Haryana and Another

RESPONDENT

Date of Decision : 07-03-2013

Acts Referred:

Citation : (2013) 03 P&H CK 0069

Hon'ble Judges : Vijender Singh Malik, J

Bench : Single Bench

Judgement

Vijender Singh Malik, J.—Harnek Singh, Rajvinder Kaur, Harjinder Singh and Kuldeep Singh, the petitioners have brought this petition under the provisions of section 482 Cr.P.C., for quashing of FIR No. 20 dated 22.1.2013 (Annexure P1) registered at Police Station Chandi Mandir, District Panchkula for an offence punishable under sections 323, 427, 452, 504 and 506 IPC read with section 120-B IPC alongwith all the subsequent proceedings arising out of the same on the basis of compromise dated 4.2.2013 (Annexure P2). While issuing notice of motion, the parties were directed to appear before learned Illaqa Magistrate on 20.02.2013 for getting their statements recorded in support of the compromise. Learned Addl. Chief Judicial Magistrate, Panchkula has sent his report in this regard. He has reported that he has recorded the statement of complainant and five injured witnesses and has found that their statements are voluntary and without any influence or pressure.

2. It is common knowledge that decisions rendered by the courts in adversarial system would leave one or the other of the parties unsatisfied. Sometimes, none of the two is satisfied. The compromise arrived at between the parties washes away all the grievances of the warring factions and pave way for normal relations in future between them. Taking restoration of peace and harmonious relations between the parties and order in the society as the prime concerns of law, it has been held by this court in Dharambir Vs. State of Haryana, that a non compoundable matrimonial offence could be quashed on the basis of compromise

between the parties. However, the said decision left a gap as it did not cover the cases other than the cases for matrimonial offences. A Larger Bench of five Hon"ble Judges of this court in Kulwinder Singh and Others Vs. State of Punjab and Another, took the following decision with regard to 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.

The FIRs/complaints in non-compoundable offences could, therefore, be quashed on the basis of compromise. It is so because after compromise, no evidence supporting the prosecution is possible to come on the record and possibility of conviction of the accused becomes bleak. 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. The compromise in hand not only satisfies the above said requirements, but also appears to be securing the ends of justice. I, therefore, find that the matter has been amicably settled between the parties without their being any pressure on anyone. Hence, the petition is allowed and FIR No. 20 dated 22.1.2013 (Annexure P1) registered at Police Station Chandi Mandir, District Panchkula for an offence punishable under sections 323, 427, 452, 504 and 506 IPC read with section 120-B IPC alongwith all the subsequent proceedings arising out of the same is quashed.