
(2010) 10 P&H CK 0170
In the Punjab And Haryana At Chandigarh
Case No : CRM No. M-2388 of 2009

Kamaljit Singh

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 08-10-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 120B, 312, 313

Citation : (2010) 10 P&H CK 0170

Hon'ble Judges : Mehinder Singh Sullar, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Mehinder Singh Sullar, J.—Tersenessly, the facts, which needs a necessary mention, for a limited purpose of deciding the core controversy involved in the instant petition and emanating from the record, is that originally, Kawalpreet Singh son of Tarsem Singh (Respondent No. 2) filed the criminal complaint (Annexure P6) against Sandeep Kaur wife of Kawalpreet Singh, Rupinder Kaur alias Rubi wife of Kamaljit Singh, Kamaljit Singh son of Jaspal Singh and Kulwant Kaur wife of Jasbir Singh under Sections 312, 313 and 120-B IPC.

2. After taking into consideration the preliminary evidence, the Magistrate summoned the accused, by virtue of summoning order dated 20.5.2006 (Annexure P7). As Petitioner Kamaljit Singh was residing abroad and did not submit to the jurisdiction of the Court, therefore, he was declared proclaimed offender, vide order dated 22.10.2007 (Annexure P8-A).

3. Having completed all the codal formalities and on ultimate analysis of the evidence on record, while acquitting the remaining accused, the trial Court directed that the complaint be taken up again as and when accused Kamaljit Singh (Petitioner), who is declared proclaimed offender in this case, is arrested and produced by the police, by way of judgment of acquittal dated 21.10.2008 (Annexure P8).

4. What is not disputed here is that after acquittal, good sense prevailed and the matter was compromised between the parties and Respondent No. 2 did not want to further prosecute the present Petitioner.

5. In this manner, now the Petitioner has filed the present petition for quashing the complaint (Annexure P6), the summoning order dated 20.5.2006 (Annexure P7) and all subsequent proceedings thereto on the basis of compromise, invoking the provisions of Section 482 Code of Criminal Procedure, inter-alia, pleading that the parties have executed the compromise deed (Annexure P1) and do not want to prolong the litigation. In order to substantiate the validity of the compromise, the complainant-Respondent No. 2, has filed his affidavit, wherein he has reiterated and maintained that with the intervention of respectables, the parties have compromised the matter and no useful purpose would be served in continuation of proceedings against the Petitioner. He has no objection if the complaint, summoning order (Annexures P6 and P7) respectively and all subsequent proceedings thereto are quashed.

6. Such thus 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?

7. Having regard to the rival contentions of 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 my mind, justice would be sub-served if the parties are allowed to compromise the matter in this relevant connection.

8. 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 context was transformed in reality by Hon"ble Apex Court in cases *Manoj Sharma v. State and Ors.* 2008(4) RCR (Cri) 827; *B.S. Joshi v. State of Haryana* 2003 (2) RCR (Cri.) 888 and Full Bench of this Court in case *Kulwinder Singh and Ors. v. State of Punjab and Anr.* 2007 (3) RCR (Cri) 1052.

9. The crux 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 matrimonial and property disputes, on the basis of lawful settlement.

10. As the parties have lawfully agreed to settle the dispute, therefore, to me,

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.

11. In the light of the aforesaid reasons, the instant petition is hereby accepted. Consequently, the complaint (Annexure P6), the summoning order dated (Annexure P7), the order (Annexure P8-A) declaring the Petitioner as proclaimed offender and all subsequent proceedings thereto are quashed and the Petitioner is discharged, in the obtaining circumstances of the case.