
(2013) 08 P&H CK 0777

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-15492 of 2013

Kedar Nath and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 21-08-2013

Acts Referred:

Arms Act, 1959 — Section 25, 27

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482

Penal Code, 1860 (IPC) — Section 148, 149, 323, 324, 336

Citation : (2013) 08 P&H CK 0777

Hon'ble Judges : Daya Chaudhary, J

Bench : Single Bench

Advocate : R.K. Girdhar, for the Appellant; Premjit S. Hundal, A.A.G., Punjab, for the Respondent

Final Decision : Allowed

Judgement

Daya Chaudhary, J.—The present petition has been filed on behalf of petitioners, namely, Kedar Nath, Madan Lal, Anil Deep Singh, Varinder Mohan (Kala), Ravinder Kumar Bobby, Anant Nagpal @ Neti and Som Parkash @ Soma for quashing of F.I.R. No. 101 dated 11.05.2000 registered under Sections 452/336/324/323/506/148/149 IPC and Sections 25/27/54/59 of the Arms Act registered at Police Station Sadar, Jalalabad and all the subsequent proceedings arising therefrom on the basis of compromise (Annexure P-4) arrived at between the parties. Learned counsel for the petitioners submits that the dispute between the parties has been settled by way of compromise. The petitioners are neighbours and with the intervention of respectables, they have sorted out their dispute and the complainant has no objection in quashing of the FIR.

2. As per directions issued by this Court on 10.05.2013, the statements of the parties were recorded by the Illaqa Magistrate and the same along with its report were sent which are on record. The petitioners, complainant as well as injured have stated in their statements recorded before the trial Court that they have

compromised the matter and the same is without any pressure from either side. Complainant-Tirlok Singh as well as injured-Barnam Singh have specifically stated therein that they have entered into compromise with their sweet will and without any pressure and they have no objection in quashing of FIR against the petitioners. Even as per report sent by the Illaqa Magistrate, the petitioners as well as complainant and injured appeared before the trial Court and the compromise is genuine and no pressure was there upon them.

3. In Kulwinder Singh and others vs. State of Punjab and others, reported as 2007(3) RCR (Cri) 1052, the Larger Bench of our own High Court has held that the High Court has the wide power to quash the proceedings even in non-compoundable offences, notwithstanding the bar u/s 320 of the Criminal Procedure Code in order to prevent abuse of the process any Court or to secure the ends of justice. In Kulwinder Singh's case, the Larger Bench has also observed:-

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 u/s 482 Cr.P.C. 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 in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers u/s 482 Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power.

4. The Apex Court in the case of Madan Mohan Abbot Vs. State of Punjab, emphasized in para No. 6 as follows:-

6. We need to emphasize 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 favour 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.

5. Hon'ble the Supreme Court in the case of B.S. Joshi and others v. State of Haryana and anr., reported as 2003 (2) RCR (Cri) 888, in para 6 and 11, held as under:-

6. In Pepsi Foods Ltd. and Another Vs. Special Judicial Magistrate and Others, , this Court with reference to Bhajan Lal's case observed that the guidelines laid therein as to where the court will exercise jurisdiction u/s 482 of the Code could not be inflexible or laying rigid formulae to be followed by the courts. Exercise of such power would depend upon the facts and circumstances of each case but with the sole purpose to prevent abuse of the process of any court or otherwise

to secure the ends of justice. It is well settled that these powers have no limits. Of course, where there is more power, it becomes necessary to exercise utmost care and caution which invoking such powers.

11. In *Madhavrao Jiwajirao Scindia and Others Vs. Sambhajirao Chandojirao Angre and Others*, it was held that while exercising inherent power of quashing u/s 482, it is for the High Court to take into consideration any special features which appears in a particular case to consider whether it is expedient and in the interest of justice to permit a prosecution to continue. Where, in the opinion of the Court, chances of an ultimate conviction is bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution to continue, the court may, while taking into consideration the special facts of a case, also quash the proceedings.

6. Since the dispute between the parties has been settled by way of compromise and the complainant as well as injured have no objection in quashing of FIR, I am of the considered view that continuation of impugned criminal proceedings between the parties would be an exercise in futility. The complainant does not want to pursue these proceedings and it shall merely be a formality and sheer wastage of precious time of the Court as the complainant would not support the case of prosecution in view of compromise arrived at between the parties. Accordingly, this petition is allowed and impugned criminal proceedings arising out of F.I.R. No. 101 dated 11.05.2000 registered under Sections 452/336/324/323/506/148/149 IPC and Sections 25/27/54/59 of the Arms Act registered at Police Station Sadar, Jalalabad and all the subsequent proceedings arising therefrom qua petitioners namely Kedar Nath, Madan Lal, Anil Deep Singh, Varinder Mohan (Kala), Ravinder Kumar Bobby, Anant Nagpal @ Neti and Som Parkash @ Soma are quashed.