
(2010) 10 P&H CK 0079

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-26837 of 2010 (O and M)

Kulwinder Singh @ Nonu and Others

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 25-10-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 148, 149, 324, 427, 452

Citation : (2010) 10 P&H CK 0079

Hon'ble Judges : Sabina, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Sabina, J.—Petitioners have filed this petition u/s 482 of the Code of Criminal Procedure for quashing of cross-version in FIR No. 77 dated

2.8.2010 (Annexure P-1), under Sections 452, 324, 427, 148 and 149 of the Indian Penal Code ("IPC for short), registered at Police Station

Kotwali Kapurthala and subsequent proceedings arising therefrom in view of the compromise arrived at between the parties.

2. Learned Counsel for the Petitioners has submitted that it is a case of version and cross-version. Now the parties have arrived at a compromise

with the intervention of the relatives and respectables of the area.

3. Respondent No. 2, who is present in Court in person along with his counsel, has admitted his thumb impression on the compromise (Annexure

P-3) (original shown to Respondent No. 2). Respondent No. 2 has submitted that he has no objection in case the FIR is ordered to be quashed.

4. As per the Full Bench judgment of this Court in Kulwinder Singh and Ors. v. State of Punjab. 2007 (3) RCR 1052. High Court has power u/s

482 Code of Criminal Procedure to allow the compounding of non-compoundable offence and quash the prosecution where the High Court felt

that the same was required to prevent the abuse of the process of any Court or to otherwise secure the ends of justice. This power of quashing is

not confined to matrimonial disputes alone.

5. Hon''ble the Apex Court in the case of Nikhil Merchant Vs. Central Bureau of Investigation and Another, in para Nos. 23 and 24 has held as

under:

23. In the instant case, the disputes between the Company and the Bank have been set at rest on the basis of the compromise arrived at by them

whereunder the dues of the Bank have been cleared and the Bank does not appear to have any further claim against the Company. What,

however, remains is the fact that certain documents were alleged to have been created by the Appellant herein in order to avail of credit facilities

beyond the limit to which the Company was entitled. The dispute involved herein has overtones of a civil dispute with certain criminal facets. The

question which is required to be answered in this case is whether the power which independently lies with this Court to quash the criminal

proceedings pursuant to the compromise arrived at, should at all be exercised?

24. On an overall view of the facts as indicated hereinabove and keeping in mind the decision of this Court in B.S. Joshi's case (supra) and the

compromise arrived at between the Company and the Bank as also Clause 11 of the consent terms filed in the suit filed by the Bank, we are

satisfied that this is a fit case where technicality should not be allowed to stand in the way in the quashing of the criminal proceedings, since, in our

view, the continuance of the same after the compromise arrived at between the parties would be a futile exercise.

6. Since the parties have arrived at a compromise and have decided to live in peace, no useful purpose would be served in allowing the criminal

proceedings to continue.

7. Accordingly, the present petition is allowed. Cross version in FIR No. 77 dated 2.8.2010 (Annexure P-1), under Sections 452, 324, 427, 148

and 149 IPC, registered at Police Station Kotwali Kapurthala and all the subsequent proceedings, arising therefrom, are quashed.