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**(2013) 08 P&H CK 0427**

**In the Punjab And Haryana At Chandigarh**

**Case No : Criminal Miscellaneous No. M-14738 of 2013**

Lachman Singh and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

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**Date of Decision : 14-08-2013**

**Acts Referred:**

Criminal Procedure Code, 1973 (CrPC) — Section 320, 324, 482  
Penal Code, 1860 (IPC) — Section 323, 324, 325, 34

**Citation : (2013) 08 P&H CK 0427**

**Hon'ble Judges : Daya Chaudhary, J**

**Bench : Single Bench**

**Advocate :** Jagraj Singh Khiva in Criminal Misc. No. M-14738 of 2013 and Mr. J.P.S. Sidhu in Criminal Misc. No. M-15069 of 2013, for the Appellant; Premjit S. Hundal, A.A.G., Punjab for State, for the Respondent

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## **Judgement**

Daya Chaudhary, J.—By this judgment, two petitions bearing Criminal Misc. No. M-14738 of 2013 filed by Lachman Singh, Samunder Singh, Ami Chand and Mugal Singh and Criminal Misc. No. M-15069 of 2013 filed by Sunil, Ghania, Radha and Gilwar shall be disposed of as it is a case of version and cross version. However, for the sake of convenience, the facts are being taken from Criminal Misc. No. M-14738 of 2013. The present petition has been filed for quashing of F.I.R. No. 19 dated 15.02.2010 registered under Sections 323/324 read with Section 34 IPC at Police Station Jhunir, Tehsil Sardulgarh, District Mansa (Section 325 IPC was added later on) on the basis of compromise arrived at between the parties. However, during the pendency of the proceedings, the compromise was effected between the parties and both the parties have no objection in quashing of FIR as well as cross version registered against them. As per directions issued by this Court on 06.05.2013, the parties were directed to be present before the trial Court for recording of their statements with regard to compromise. The trial Court was also directed to record the statements of both the parties to its satisfaction to know the genuineness that the statements are not the result of any pressure or coercion in any manner and to send a report along with

statements of the parties with regard to validity or otherwise of the compromise. It was also mentioned that the report be also sent as to whether any case is pending against either of the parties or not.

2. In response to said directions issued on 06.05.2013, a report of Sub Divisional Judicial Magistrate, Sardulgarh has been sent, wherein, it has been mentioned that the compromise has been effected between the parties and both the parties have no objection in quashing of the FIR as well as cross version registered against them. A joint statement was made before the trial Court which has been stated to be without any pressure or coercion. It has also been mentioned therein that there is no case pending against them anywhere.

3. In Kulwinder Singh and Others Vs. State of Punjab and Another, , the Larger Bench of our own High Court has held that the High Court has the wide power to quash the proceedings eve 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 Vs. State of Haryana and Another, , 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 Chandrojirao 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. In view of the statements of the parties and also the compromise effected between them, there is no justification to continue with the proceedings against them as it would be a futile exercise and would be the wastage of time of the Court as the parties are not going to depose against each other because of the compromise. Since the dispute between the parties has been settled by way of compromise and they have no objection in quashing of FIR as well as cross version, both the petitions bearing Criminal Misc. No. M-14738 of 2013 and Criminal Misc. No. M-15069 of 2013 are allowed. FIR No. 19 dated 15.02.2010 under Sections 323, 324 read with Section 34 IPC as well as (Section 325 IPC added later on) qua petitioners Lachman Singh, Samunder Singh, Ami Chand and Mugal Singh in Criminal Misc. No. 14738 of 2013 and cross version qua petitioners Sunil, Ghania, Radha and Gilwar in Criminal Misc. No. M-15069 of 2013 as well as all the subsequent proceedings arising therefrom are quashed.