

(2010) 09 P&H CK 0382

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M 21648 of 2010

Lovely and Others

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 07-09-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482
Penal Code, 1860 (IPC) — Section 34, 427, 452, 506

Citation : (2010) 09 P&H CK 0382

Hon'ble Judges : Jaswant Singh, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Jaswant Singh, J.—Present petition u/s 482 Cr.PC is for quashing of FIR No. 108 dated 14.6.2010 under Sections 452, 427, 506 and 34 of Indian Penal Code registered with police station City, Malerkotkla, District Sangrur and all subsequent proceedings arising therefrom on the basis of compromise dated 3.7.2010 (Annexure P-2) arrived at between the parties.

2. In the FIR, complainant Mohd. Akhtar had leveled allegations against the petitioners that all of them armed with deadly weapons entered his shop with intention to teach him a lesson on the pretext that the brother of the complainant had allured the petitioners to fight without any reason and destroyed the goods lying in his shop. Complainant in order to save his life ran away to inform the police.

3. Upon notice of motion respondent-complainant caused appearance through his Advocate on the last date of hearing.

4. Both the parties had stated that parties have compromised the matter and made request for quashing of FIR. In view of the same parties were directed to appear before the learned trial court with direction to the the trial court record the statements of the parties regarding the genuineness of the compromise and

send a report in that regard.

5. Report in the shape of letter dated 16.8.2010 of learned Sub Divisional Judicial Magistrate, Malerkotla accompanied by statements of complainant as well as accused persons has been received wherein it is stated that the parties appeared before that court and suffered statements recorded separately before that court. Complainant in his statement has stated that he has compromised the matter with the accused persons and has no objection if the aforesaid FIR and all consequential proceedings are quashed against them.

6. A Full Bench of this Court in Kulwinder Singh and Ors. v. State of Punjab and Anr. 2007(3) RCR (Criminal) 1052 has held that this Court, in appropriate cases, while exercising powers u/s 482 Cr.P.C., may quash an FIR disclosing the commission of non-compoundable offences. The relevant extracts read as under:

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.

7. Similar views were expressed by Hon"ble the Apex Court in Madan Mohan Abbot Vs. State of Punjab, , the relevant extract of which is as under:

We need to emphasise 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 utilised 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.

8. Keeping in view the above settled legal position and taking into account the fact that both the parties have desired to live in peace and harmony and carry on with their lives without any ill will or rancour by resolving their differences and entering into the aforesaid compromise, it is evident that it is a fit case where there is no legal impediment in the way of the Court to exercise its inherent powers u/s 482 Cr.P.C., for quashing of the FIR in the interest of justice.

9. Accordingly, the present petition is allowed and FIR No. 108 dated 14.6.2010 under Sections 452, 427, 506 and 34 of Indian Penal Code registered with police station City, Malerkotla, District Sangrur and all subsequent proceedings arising therefrom are quashed.