
(2010) 10 P&H CK 0320

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M 24631 of 2010

Nirpal Singh

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 25-10-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482
Penal Code, 1860 (IPC) — Section 279, 307, 323, 427

Citation : (2010) 10 P&H CK 0320

Hon'ble Judges : Jaswant Singh, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Jaswant Singh, J.—Prayer is u/s 482 Criminal Procedure Code for quashing of FIR No. 129 dated 25.5.2007 under Sections 307, 279, 323 and 427 of the Indian Penal Code, registered with Police Station Division No. 5, District Ludhiana and subsequent proceedings on the basis of compromise dated 14.8.2010(Annexure P-3) arrived at between the Petitioner and the complainant.

2. In the FIR complainant Aman Sharma had made allegations against the accused that on 25.5.2007 at about 12.45 PM when complainant along with one Ms. Chander Kanta, Advocate were going towards their car which was parked in front of Fast Track Court in the District Court Premises, Ludhiana, then Petitioner came out of his Indica Car No. PB-10-BR-1133 and started breaking the window panes of Ford Icon No. PB-10-BG-4791 and when complainant tried to stop him, accused spoke harsh language against him and also pushed him and also threatened to kill him. Petitioner is alleged to have tried to run over the complainant with his car and due to which complainant fell on the bonnet and accused threw him at some distance and ran away from the spot along with his car.

3. Said Aman Sharma, has filed his reply by way of affidavit stating therein that with the intervention of the respectable he has compromised the matter with the

Petitioner and has no objection if in terms of the compromise(Annexure P-3) the aforesaid FIR and all the subsequent proceedings thereto are quashed.

4. Complainant Aman Sharma is present in the court and he has been identified by his counsel Mr. Ashish Grover, Advocate.

5. Statement of complainant who is a practising Advocate at District Court, Ludhiana has also been separately recorded wherein he has conceded that prima facie no offence u/s 307 of Indian Penal Code is made out and further stated that he has no objection if the aforesaid FIR is quashed.

6. Learned State Counsel on instructions is unable to raise any serious objection in view of the aforesaid facts and since the complainant is not willing to pursue the prosecution.

7. A Full Bench of this Court in Kulwinder Singh and Ors. v. State of Punjab and Anr. 2007 (3) RCR 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.

8. 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.

9. 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.

10. Accordingly, the present petition is allowed and FIR No. 129 dated 25.5.2007 under Sections 307, 279, 323 and 427 of the Indian Penal Code, registered with Police Station Division No. 5, District Ludhiana and all subsequent proceedings

arising therefrom, are quashed.