

(2010) 10 P&H CK 0138
In the Punjab And Haryana At Chandigarh
Case No : CRM No. M-24997 of 2010

Pankaj and Others

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 05-10-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 173, 482
Penal Code, 1860 (IPC) — Section 148, 149, 323, 427, 447

Citation : (2010) 10 P&H CK 0138

Hon'ble Judges : Mehinder Singh Sullar, J

Bench : Single Bench

Judgement

Mehinder Singh Sullar, J.—Tersenessly, the facts, which need a necessary mention, to decide the core controversy involved in the present petition and emanating from the record, are that on 8.6.2007 at about 5.00 A.M., PW Deepak Sharma (Respondent No. 3) informed the complainant Ashutosh Sharma (Respondent No. 2) that the accused are dismantling their shops with JCB machines. They both immediately reached the spot, where the accused were present, armed with lathis, hathoras and iron rods. Respondent Nos. 2 and 3 raised objection in this regard, which offended the accused and they started giving beatings to them.

2. Concisely, the prosecution claimed that on 8.6.2007, all the accused caused injuries to the complainant and his brother with their respective weapons. On the basis of aforesaid allegations and in the wake of statement of complainant Ashutosh Sharma, the present case was registered against the accused, vide FIR No. 319 dated 8.6.2007 (Annexure P1) on accusation of having committed the offences punishable under Sections 148, 323, 427, 447 and 452 read with Section 149 IPC by the police of Police Station City Karnal, in the manner described herein-above.

3. After completion of the investigation, the police submitted the challan/final police report u/s 173 Code of Criminal Procedure. Having completed all the codal

formalities, the Magistrate charge sheeted the accused for the aforesaid offences and the case is slated for evidence of the prosecution. During the pendency of the trial, the good sense prevailed and the matter was compromised between the parties at the intervention of respectables, friends and relatives. They have settled all their disputes and decided to live peacefully.

4. In this manner, the Petitioners have filed the present petition for quashing the FIR (Annexure P1) and all subsequent proceedings thereto on the basis of compromise, invoking the provisions of Section 482 Code of Criminal Procedure, inter-alia, pleading that the parties have executed the compromise deed (Annexure P2). The complainant and his brother Deepak Sharma also filed their affidavits in this respect. In order to substantiate the validity of the compromise, they have stated that they have compromised the matter with the intervention of respectables, friends and relations and prayed for quashing of the criminal proceedings. As per compromise deed, the parties have amicably settled their dispute; they have no grudge against each other and the complainant and his brother do not want to pursue the FIR and the parties will not raise any dispute in future.

5. Above being the position on record, now the sole question that arises for determination in this petition is as to whether it would be expedient in the interest of justice to quash the criminal prosecution or not?

6. Having regard to the rival contentions of the learned Counsel for the parties, having gone through the record with their valuable help and after bestowal of thoughts over the entire matter, to me, justice would be sub-served if the parties are allowed to compromise the matter in this relevant behalf.

7. The law of settlement of criminal disputes by virtue of compromise is not res-integra and is well settled. The clear and explicit intention of the Legislature in this context was transformed in reality by Hon"ble Apex Court in cases Manoj Sharma v. State and Ors. 2008(4) RCR (Cri) 827; B.S. Joshi v. State of Haryana 2003 (2) RCR 888 (SC) and Full Bench of this Court in case Kulwinder Singh and Ors. v. State of Punjab and Anr. 2007 (3) RCR (Cri) 1052.

8. The crux of the law laid down in the aforesaid judgments is that the power u/s 482 Code of Criminal Procedure has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The Court is a vital and an extra-ordinary effective instrument to maintain and control social order. The Courts play role of paramount importance in achieving peace, harmony and everlasting congeniality in society and resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery if the statement is fair being free from under pressure.

9. Meaning thereby, the High Court has unlimited power to quash the criminal

proceedings, relatable to injury cases, on the basis of lawful settlement. As the parties are lawfully agreed to settle the dispute, therefore, to my mind, there is no impediment in translating the wishes of the parties into reality and to quash the criminal prosecution to set the matter at rest to enable them to live in peace and to enjoy the life and liberty in a dignified manner as guaranteed by and as contemplated in the Constitution of India.

10. In the light of the aforesaid reasons, the instant petition is hereby accepted. Consequently, FIR No. 319 dated 8.6.2007 (Annexure P1) and all other subsequent proceedings thereto are quashed and all the Petitioners are acquitted of charges framed against them, in the obtaining circumstances of the case.