
(2011) 05 P&H CK 0005

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-13360 of 2011

Paramdeep Singh and Another

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 20-05-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482
Penal Code, 1860 (IPC) — Section 148, 149, 380, 427, 457

Citation : (2011) 05 P&H CK 0005

Hon'ble Judges : Kanwaljit Singh Ahluwalia, J

Bench : Single Bench

Judgement

Kanwaljit Singh Ahluwalia, J.—Present petition has been filed u/s 482 Code of Criminal Procedure praying that case FIR No. 69 dated 22.03.2011 registered at Police Station A Division, District Amritsar under Sections 457, 380, 427, 506, 148 and 149 IPC be quashed on the basis of a compromise.

2. Maninder Singh complainant-Respondent No. 2 is present in Court. He has been identified by ASI Panna Lal, who is present in Court to assist counsel for the State. Complainant Maninder Singh in the FIR has stated that he is running a meat shop in the main market, Judge Nagar, Amritsar. This shop is with him on rent for the last 20 years. Owner of the shop namely Paramdeep Singh alias Sonu-Petitioner No. 1 and his companion Birinder Singh alias Raja-Petitioner No. 2 along with 10/12 unknown persons came armed with hammers and swords. They made a hole in the roof of the shop and demolished half of the roof. They also damaged the TV installed in the shop and took away an electronic computerized weighing machine. They had further damaged the articles lying in the shop.

3. Mr. Sandeep S. Majithia, Advocate appearing on behalf of the Petitioners, has stated that they have sought forgiveness from the complainant-tenant and furthermore, he has been compensated in monetary terms. Mr. Majithia has further informed this Court that Petitioner No. 1-Paramdeep Singh has sold the

shop to somebody else and Respondent No. 2 shall not be evicted from the shop except in due course of law.

4. Maninder Singh complainant-Respondent No. 2, who is present in Court, has stated that the matter has been amicably resolved. The Petitioners have paid Rs. 1.50 lakhs to him and have compensated the loss caused to him. He has further been assured by the Petitioners that he will not be evicted from the shop except in due course of law.

5. Counsel for the State has also stated that since the dispute between the landlord and the tenant has been amicably resolved, the State will not stand in the way of parties if they intend to promote everlasting peace, amity and harmony.

6. A Full Bench of this Court in "Kulwinder Singh and Ors. v. State of Punjab and Anr. 2007(3) RCR (Cri) 1052 has held as under:

28. 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 of the Code of Criminal Procedure 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 of the Code of Criminal Procedure 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, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.

29. The only inevitable conclusion from the above discussion is that there is no statutory bar under the Code of Criminal Procedure 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 Code of Criminal Procedure, in order to prevent the abuse of law and to secure the ends of justice.

30. The power u/s 482 of the Code of Criminal Procedure is to be exercised Ex-Debitia Justitia to prevent an abuse of process of Court. There can neither be an exhaustive list nor the defined para-meters to enable a High Court to invoke or exercise its inherent powers. It will always depend upon the facts and circumstances of each case. The power u/s 482 of the Code of Criminal Procedure has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The exercise of power has to be with circumspection and restraint. 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 ever-lasting congeniality

in society. 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 endeavor to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.

7. The Petitioners, who are present in Court, have assured this Court that henceforth they will act in accordance with the provisions of law and will not take the law into their own hands. They have also offered their apology in Court to the Respondent No. 2.

8. For the sake of social harmony, amity and everlasting peace, this Court shall grant due credence to the compromise arrived at between the parties. Hence, taking totality of the circumstances into consideration, including the ratio of law laid down in Kulwinder Singh's case (supra), present petition is accepted and the impugned FIR along with all subsequent proceedings is quashed.