
(2010) 10 P&H CK 0189
In the Punjab And Haryana At Chandigarh
Case No : CRM No. M-2708 of 2010

Rajwinder Singh alias Raju alias Ranjit Singh	APPELLANT
Vs	
State of Punjab and Daljit Singh	RESPONDENT

Date of Decision : 15-10-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 173, 482
Penal Code, 1860 (IPC) — Section 148, 149, 323, 324, 326

Citation : (2010) 10 P&H CK 0189

Hon'ble Judges : Mehinder Singh Sullar, J

Bench : Single Bench

Judgement

Mehinder Singh Sullar, J.—The compendium of the facts, culminaating in the commencement, relevant for a limited purpose of deciding the core controversy involved the present petition and emanating from the record, is that on 23.6.1994 at about 2.40 P.M., complainant Daljit Singh son of Harbans Singh Saini (respondent No. 2) was going in a jeep to village Bhogpur for his personal work. In the meantime, petitioner-accused Rajwinder Singh alias Raju and other co-accused also came in the jeep. Accused Harjit Singh alias Sodhi was armed with Kirpan. Accused Swaran Singh raised a lalkara. Thereafter, accused Harjit Singh alias Sodhi gave a blow with Kirpan, which hit on the little finger of right hand of the complainant. In the meantime, accused Rajwinder Singh alias Raju gave another Kirpan blow on the ring finger of his right hand, accused Dilbag Singh gave a Dattar blow, which hit on the wrist of his right hand, Rajwinder Singh alias Raju gave a dang blow on the left arm of the complainant. He raised noise. Thereafter, all the accused decamped from the place of occurrence with their respective weapons.

2. Levelling a variety of allegations and narrating the sequence of events, in all, according to the complainant that on 23.6.1994, all the accused caused injuries to him with their respective weapons. On the basis of aforesaid allegations and in the wake of statement of the complainant, the present case was registered against the accused including the petitioner, vide FIR No. 44 dated 24.6.1994

(Annexure P1), on accusation of having committed the offences punishable under Sections 148, 323, 324, 326 and 427 read with Section 149 IPC by the police of Police Station Bhogpur, Distt. Jalandhar.

3. As the petitioner-accused went abroad during the pendency of the investigation, therefore, he was declared proclaimed offender. After completion of the investigation, the police submitted the final police report u/s 173 Code of Criminal Procedure/challan against the remaining accused in the trial Court.

4. Having completed all the codal formalities and on ultimate analysis of the evidence on record, all the co-accused of the petitioner were acquitted, vide judgment of acquittal dated 28.11.2005.

5. What is not disputed here is that the parties have earlier entered into the compromise on 4.7.1994. Thereafter, they reiterated the factum of compromise, vide another compromise deed dated 7.1.2010 (Annexure P2). Since the petitioner did not submit to the jurisdiction of the trial Court as he was declared proclaimed offender, so, now he has moved the instant petition for quashing the FIR (Annexure P1) and all other subsequent proceedings thereto on the basis of compromise, invoking the provisions of Section 482 Code of Criminal Procedure. Besides the compromise deed (Annexure P2), the learned Counsel for respondent-complainant has produced another power of attorney (Annexure PX) of Daljit Singh, wherein it was mentioned that the complainant has compromised the matter with the petitioner and he has no objection if the FIR registered against him and all other subsequent proceedings are quashed.

6. 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?

7. 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 context.

8. 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 regard was transformed in reality by Hon'ble Apex Court in cases Manoj Sharma v. State and Ors. 2008 (4) RCR 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 1052.

9. The epitome 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. Meaning thereby, the High Court has unlimited power to quash the criminal proceedings, relating to such injury cases, on the basis of lawful settlement. The law laid down in the aforesaid judgments "*mutatis mutandis*" is fully applicable to the present case and is the complete answer to the problem in hand.

10. As the parties have 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.

11. In the light of the aforesaid reasons, the instant petition is hereby accepted. Consequently, FIR No. 44 dated 24.6.1994 (Annexure P1) and all other subsequent proceedings thereto are quashed and the petitioner is discharged, in the obtaining circumstances of the case.