

(2017) 09 P&H CK 0042
In the Punjab And Haryana At Chandigarh
Case No : 43899 of 2016 (O&M)

Randhir Singh @ Pinku and others	Vs	APPELLANT
State of Punjab and another		RESPONDENT

Date of Decision : 14-09-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 482](#) - Saving of inherent powers of High Court
[Indian Penal Code, 1860](#), [Section 323](#),
[Section 148](#), [Section 148](#)

Citation : (2017) 09 P&H CK 0042

Hon'ble Judges : H. S. Madaan

Bench : SINGLE BENCH

Advocate : Navraj Singh Mahal, ?Jaspreet Kaur,?Subhreet Kaur

Final Decision : Allowed

Judgement

1. Vide this order I intend to dispose of CRM-M-43899 of 2016 titled as Randhir Singh @ Pinku and others vs. State of Punjab and another and CRM-M-29922-2017 titled as Rajan and others vs. State of Punjab and another, being version and cross version in the same FIR and DDR..
2. Petitioners - Randhir Singh @ Pinku and others have brought the CRM-M-43899 of 2016 under Section 482 Cr.P.C. for quashing of FIR No. 17 dated 1.2.2015, for offences under Sections 341, 342, 323, 148, 149 IPC, registered at Police Station Sadar, Jalandhar City against them, whereas petitioners - Rajan and others have brought CRM-M-29922-2017 under Section 482 Cr.P.C. for

quashing of DDR No. 20 dated 3.2.2015, against them, which is cross version in the abovesaid FIR, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between both the parties.

3. When the petitions came up for hearing, notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab through State counsel, whereas respondent No.2 through Ms. Subhreet Kaur, Advocate, had put in appearance. Then in light of the contention that parties have since effected compromise, they were directed to put in appearance before the trial Court/Illaqa Magistrate to get their statements recorded with regard to compromise and the trial Court/Illaqa Magistrate was directed to send a report to this Court.

4. Two separate reports have been received from Additional Chief Judicial Magistrate, Jalandhar, in terms of which Randhir Singh @ Pinku, Navdeep Singh (complainant-respondent No.2 in CRM-M-29922-2017), Harveer Singh @ Rajveer, Gurvinder Singh @ Lucky, Kamaljit Singh @ Bunt, Gurinder Singh @ Gutti, Amarjit Singh @ Peter, Gurpreet Singh @ Gopi, Jatinder Singh @ Lala and Jatinder Singh @ Kala, accused-petitioners in CRM-M-43899-2016 and Rajan (complainant-respondent No.2 in CRM-M-43899-2016), Raj Kumar, Shami, Rana, Sajan, Rajesh @ Sheru, Raj Kumar and Sunny- accused petitioners in CRM-M-29922-2017, had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, with free will, without any pressure, coercion or undue influence. Further they have stated that they has no objection if the FIR/DDR in question is quashed by this Court. There is nothing on record to doubt the genuineness of the compromise so arrived at between the parties. Alongwith the report statements of the complainants and all the

accused, have been annexed.

5. I have heard learned counsel for the petitioners, learned State counsel, besides going through the record.

6. Original compromise deed dated 3.8.2017 has been placed on the file. It is stated that Ranjit Singh @ Gollu one of the petitioner has gone abroad. He is signatory to the compromise deed and is consenting party to the compounding of offences.

7. Keeping in view the fact that the dispute between the parties has been resolved amicably, which appears to have been arrived at between them voluntarily without any threat or coercion and in terms of ratio of the authority reported as Kulwinder Singh and others vs. State of Punjab and others 2007 (3) RCR (Criminal) 1052, where in para 28, it has been held as under :-

"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 under Section 482 of the Cr.P.C. 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 under Section 482 of the Cr.P.C. 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."

8. The compromise is in interest of peace and tranquility in the society and for such like reasons this Court can quash the FIR and ancillary proceedings exercising power under Section 482 Cr.P.C., it appears to be a fit case to exercise such powers.

9. Accordingly, both the petitions are allowed and the abovesaid FIR and DDR cross version in the said FIR, alongwith ancillary proceedings are hereby quashed.