
(2021) 02 P&H CK 0087

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 38309 Of 2020

Robin @ Robin Soni And Anr

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 10-02-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 320, 482

Indian Penal Code, 1860 — Section 354, 354A, 354B, 498A, 500

Citation : (2021) 02 P&H CK 0087

Hon'ble Judges : Avneesh Jhingan, J

Bench : Single Bench

Advocate : Harsh Raheja, Samina Dhira

Final Decision : Disposed Of

Judgement

Avneesh Jhingan, J

The petition under Section 482 Cr.P.C. is for quashing of FIR No. 62 dated 25.2.2020 registered under Sections 498-A/354/354-A/354-B/500 IPC

registered at Police Station City Muktsar, District Sri Muktsar Sahib and all consequential proceedings arising therefrom

The quashing is sought on the basis of compromise dated 15th October, 2020.

Following order was passed by this Court on 19th November, 2020:-

â??The matter is taken up for hearing through video conference due to COVID-19 situation.

Notice of motion.

Mr. Amit Mehta, Senior DAG, Punjab appearing on advance notice accepts the same on behalf of respondent No. 1. Notices be issued to respondents

No. 2 and 3. Dasti as well.

Let the parties appear before the Illaqa Magistrate/trial Court on 12.1.2021 for recording their statements with regard to the compromise/settlement.

The trial court is directed to submit a report on or before the next date of hearing containing the following information:

1. Number of persons arrayed as accused in FIR;
2. Whether accused is proclaimed offender; and
3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.

List on 10.2.2021.â??

The report dated 27th January, 2021 is received stating that the compromise is genuine, without any coercion or undue influence.

In spite of service none has put in appearance on behalf of respondent No.2. However, parties have got their statements recorded.

Full Bench of this Court in Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052, has held:-

â??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 under Section 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 under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to

secure the ends of justice.

The power under Section 482 of the Cr.P.C. 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 under Section 482 of the Cr.P.C. 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 endeavour to give full effect to the

same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.â??

The FIR was result of matrimonial dispute. Parties have bridged their differences. Considering that no useful purpose would be served by putting them

to grind of trial, the above mentioned FIR with all subsequent proceedings arising therefrom are quashed.

The petition is disposed of.