
(2010) 10 P&H CK 0125
In the Punjab And Haryana At Chandigarh
Case No : CRM No. M-11259 of 2010

Samunder Singh	Vs	APPELLANT
State of Haryana and Others		RESPONDENT

Date of Decision : 29-10-2010

Acts Referred:

Arms Act, 1959 — Section 25, 27
Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 308

Citation : (2010) 10 P&H CK 0125

Hon'ble Judges : Mehinder Singh Sullar, J

Bench : Single Bench

Judgement

Mehinder Singh Sullar, J.—The matrix of the facts, which need a necessary mention for a limited purpose of deciding the core controversy involved in the present petition and emanating from the record, is that on 23.2.2010 at about 11 P.M., complainant Jitendra Nagar (Respondent No. 2) and his brother Manbir (Respondent No. 3) were present in a reception party at Aggarsen Bhawan, Sector 19, Faridabad. Manbir was dancing on DJ floor and some body fired shot. After hearing the sound of fire, all the persons ran away in order to escape. According to the prosecution that the shot hit Manbir, who felled on the ground and blood was oozing from his shoulder. He was removed to Escort Hospital, Delhi for his treatment.

2. Levelling a variety of allegations and narrating the sequence of events, in all, the complainant claimed that the Petitioner Samunder Singh caused single injury to Manbir (Respondent No. 3) in an accidental fire. On the basis of aforesaid allegations and in the wake of statement of complainant Jitendra Nagar, the instant case was registered against the Petitioner-accused, vide FIR No. 75 dated 23.2.2010 (Annexure P1) on accusation of having committed the offences punishable under Sections 308 IPC and 25 and 27 of the Arms Act by the police of Police Station Old Faridabad, in the manner described here-in-above.

3. After completion of the investigation, the police submitted the final police report/challan against the accused and the case is pending for trial. What is not disputed here is that during the pendency of the trial, the good sense prevailed and the parties have compromised the matter, vide compromise deed (Annexure P2).

4. That being so, now the Petitioner has filed the present petition for quashing the FIR (Annexure P1) and all subsequent proceedings arising therefrom on the basis of compromise, invoking the provisions of Section 482 Code of Criminal Procedure, inter-alia, pleading that the parties have amicably settled the matter without any pressure and coercion, vide compromise deed (Annexure P2). The complainant does not want to pursue the criminal case. The injured Manbir has also filed his affidavit (Annexure P3) in this respect. The complainant does not want to pursue the criminal case registered against the Petitioner. He has no grudge against the Petitioner.

5. In pursuance of the order dated 26.7.2010 passed by a Coordinate Bench of this Court (Gurdev Singh, J.), the Investigating Officer filed the status report, which clearly shows that the dispute between the parties has been settled and compromise has been effected without any pressure and coercion. The affidavits of complainant and Manbir Singh (Respondent Nos. 2 and 3) alongwith the compromise have been enclosed as Annexures C1 to C3. Now the case is pending for prosecution evidence on 29.11.2010.

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 heard 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.

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

10. As is evident from the record that the parties have amicably settled their disputes and decided to live peacefully. The compromise is in their welfare and interest. Since the parties have lawfully agreed to settle the dispute, so, 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. 75 dated 23.2.2010 (Annexure P1) and all other subsequent proceedings thereto are quashed and the Petitioner is acquitted, in the obtaining circumstances of the case.