
(2012) 07 P&H CK 0254

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-15143 of 2012 (O and M)

Sarabjit Kaur

APPELLANT

Vs

State of Punjab and another

RESPONDENT

Date of Decision : 18-07-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482
Penal Code, 1860 (IPC) — Section 406, 420

Citation : (2012) 07 P&H CK 0254

Hon'ble Judges : Vijender Singh Malik, J

Bench : Single Bench

Advocate : Rahul Chhatwal, for the Appellant; J.S. Brar, A.A.G. Punjab for the State and Mr. Satbir Rathore, Advocate, for the Respondent

Judgement

Vijender Singh Malik, J.—Sarabjit Kaur, the petitioner has brought this petition under the provisions of section 482 Cr. P.C. for quashing of FIR No. 18 dated 12.3.2012 (Annexure P1) registered at Police Station City, Shaheed Bhagat Singh Nagar for an offence punishable under sections 406 and 420 of Indian Penal Code alongwith all the subsequent proceedings arising out of the same qua the petitioner, on the basis of compromise arrived at between the parties. On notice of the petition, the complainant, Jasvir Singh, respondent No. 2 alongwith Mr. Satbir Rathore, Advocate has appeared before me. Today, the complainant has also filed his affidavit admitting that the matter has been compromised between the parties.

2. Compromise brings peace and harmony between the parties to a dispute and restores tranquility in the society. Taking restoration of peace and harmonious relations as the prime concern of law, it was held in Dharambir Vs. State of Haryana, 2005 (3) RCR (Cri) 426 by this court that even if a matrimonial offence is non compoundable, a case regarding the same could be quashed on the basis of compromise between the parties to achieve the aforesaid object. However, on a similar question having come up for decision regarding other non-

compoundable offences, a Larger Bench of five Hon"ble Judges of this court in Kulwinder Singh and others Vs. State of Punjab and another 2007 (3) RCR (Cri) 1052, has taken the following view:-

29. 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 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 Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.

3. Therefore, the quashing of FIRs in non-compoundable offences is not limited to matrimonial disputes only and the FIR for the offence in question could also be quashed. However, before accepting the petition and quashing the proceedings, the court has to satisfy itself that the compromise is just and fair in which no party is taking undue benefit. Simultaneously, it has to be seen that the compromise is free from undue pressure. Once it is found that the compromise is just and fair and is not brought about by undue pressure of one party upon the other, the court has to then see that the quashing would secure the ends of justice or that it would prevent abuse of process of law.

4. On questioning respondent No. 2, he has stated that his claim has been satisfied and he is left with no grievance. This statement reveals that no cause of friction is left between the parties. This compromise can certainly be said to be one arrived at to secure the ends of justice. Nothing appears to the court to be suggestive of any pressure, much less undue pressure on the complainant for this compromise. Undue benefit is also not seen to be derived by any party in the matter of compromise. Respondent No. 2 is represented by a counsel of his choice and, therefore, expert legal advice is also available to him. Keeping in view the aforesaid facts, the offence being personal in nature, this court is competent to quash the FIR qua the petitioner only. Therefore, I accept the petition and quash FIR No. 18 dated 12.3.2012 registered at Police Station City, Shaheed Bhagat Singh Nagar for an offence punishable under sections 406 and 420 IPC alongwith all the subsequent proceedings arising out of the same, qua the petitioner only.