

(2012) 05 P&H CK 0142
In the Punjab And Haryana At Chandigarh
Case No : CRM No. M 7226 of 2011

Satnam Singh and Others

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 28-05-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 147, 295A, 382, 454

Citation : (2012) 05 P&H CK 0142

Hon'ble Judges : Nirmaljit Kaur, J

Bench : Single Bench

Advocate : Naveen Batra, for the Appellant; K.S. Sidhu, DAG, Punjab and Mr. Umesh Kumar, Advocate Respondent No. 2, for the Respondent

Final Decision : Allowed

Judgement

Nirmaljit Kaur, J.—This is a petition u/s 482 Cr.P.C. for quashing of FIR No. 63 dated 28.08.2010 under Sections 454, 382, 147, 295A IPC, Police Station Chabbewal, District Hoshiarpur (Annexure P-1) which was got registered by respondent No. 2 -complainant against the present petitioners on the basis of the compromise arrived at between the parties. Copy of the same has been placed on record as Annexure P-2. In pursuance to the order dated 23.04.2012, learned counsel for respondent No. 2 has filed affidavits of the injured, namely, Gurpreet Kaur and Gurvinder Kaur in Court today. The same are taken. Affidavit of complainant/respondent No. 2 is already on record. As per the affidavits, the matter has been compromised and they do not want to pursue the matter and have no objection if the present petition is allowed.

2. Vie order dated 09.03.2011, the parties were directed to be present before the Illaqa Magistrate on 18.03.2011 or any other date convenient to the Court for recording statements of the parties. The Magistrate was also directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The

Magistrate was also directed to send statements of the parties along with a report with regard to validity or otherwise of the compromise effected between the parties or whether any case is pending against either of the parties or not.

3. In pursuance to the said order, now, the Additional Chief Judicial Magistrate, Hoshiarpur has submitted its report stating therein that from the statements of the parties, it appears that complainant Nirmal Singh had entered into compromise with accused party voluntarily and compromise appears to be genuine.

4. From the above, it is clear that the parties have amicably compromised the matter and no useful purpose would be served by continuing the criminal proceedings.

5. The Full Bench of this Court in the case of Kulwinder Singh and others v. State of Punjab and another-2007(3) RCR (Criminal) 1052 has observed 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 u/s 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduced 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 exercising its power u/s 482 of the Cr.P.C in the event of a compromise, but this is not to say power is limited to such cases. There can never be any such rigid rules to prescribe the exercise of such power.

6. The Apex Court in the case of " Madan Mohan Abbot Vs. State of Punjab, emphasised in para No. 6 as follows:-

6. We need to emphasize that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the Court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the Courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilised in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law.

The said compromise has been arrived at between the parties without any pressure. The complainant as well as the injured have no objection if the said FIR is quashed.

7. Taking into account the allegations, compromise, affidavits of the complainant and injured as well as the report of the trial Court authenticating the factum of the said compromise, there is no impediment in the way of this Court to quash the present FIR and subsequent proceedings arising out of the same in view of the above said settled proposition of law.

8. Accordingly, the present petition is allowed and FIR No. 63 dated 28.08.2010 under Sections 454, 382, 147, 295A IPC, Police Station Chabbewal, District Hoshiarpur (Annexure P-1) and subsequent proceedings arising out of the same are hereby quashed. Allowed in the aforesaid terms.