
(2012) 03 P&H CK 0032

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-5304 of 2012

Satpal Singh and others

APPELLANT

Vs

State of Punjab and another

RESPONDENT

Date of Decision : 27-03-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 148, 149, 323, 324, 326

Citation : (2012) 03 P&H CK 0032

Hon'ble Judges : Mehinder Singh Sullar, J

Bench : Single Bench

Advocate : Pawan Girdhar, for the Appellant; Jaswinder Singh, D.A.G., Punjab for Respondent No. 1 and Mr. D.S. Dadwal, Advocate, for the Respondent

Judgement

Mehinder Singh Sullar, J.—The compendium of the facts, which requires to be noticed, relevant for the limited purpose of deciding the core controversy, involved in the instant petition and oozing out, from the record, is that, on 19.10.2011 at about 8.30 AM, as soon as, complainant Sukhwinder Singh respondent No. 2 (for brevity "the complainant") reached the spot, in the meantime, the petitioners-accused armed with Dattar and Dangs came there and encircled him. According to the prosecution that Manjeet Kaur accused raised a lalkara to teach him a lesson for cutting the sugar cane. Thereafter, accused Satpal Singh gave a Dattar blow, aiming on his head, but he escaped the blow by raising his left hand and the Dattar blow caused injuries on his left hand fingers. Then, accused Jaswinder Singh gave Dang blows on his left and right arms. Rachpal Singh accused also gave a Dang blow on his right arm. Levelling a variety of allegations and narrating the sequence of events, in detail in all, according to the complainant that the petitioners-accused caused injuries to him with their respective weapons on 19.10.2011. In the background of these allegations and in the wake of statement of the complainant, the present case was registered against the petitioners-accused, by means of FIR No. 77 dated 27.10.2011 (Annexure P1), on accusation of having committed the offences

punishable under Sections 148, 323, 324 and 341 read with Section 149 IPC. Subsequently, Section 326 IPC was added by the police of Police Station Haryana, District Hoshiarpur, in the manner depicted here-in-before.

2. During the course of investigation of the criminal case, good sense prevailed and the parties have amicably settled their dispute, by way of compromise deed (Annexure P2).

3. Having compromised the matter, the petitioners-accused preferred the instant petition for quashing the impugned FIR (Annexure P1) and all other subsequent proceedings arising therefrom, on the basis of compromise (Annexure P2), invoking the provisions of Section 482 Cr.PC, inter-alia pleading that they have settled all the disputes and removed their misunderstandings at the intervention of respectables of both the parties. They belong to the same village. The complainant has agreed to withdraw the present criminal case against the petitioners. The compromise is duly signed by both the parties, including the complainant. Not only that, in the wake of notice, complainant-respondent No. 2 appeared and filed his affidavit reiterating the factum of compromise.

4. Above being the position on record, now the short and significant question, though important, that arises for determination in the instant case is, as to whether the impugned FIR (Annexure P1) and all other consequent proceedings arising thereto deserve to be quashed in view of the compromise or not ?

5. Having regard to the contentions of learned counsel for parties, to me, it would be in the interest and justice would be sub-served, if the present criminal prosecution is quashed and the parties are allowed to live in peace. Moreover, learned counsel for the parties are ad idem that in view of the settlement of disputes between the parties, the criminal prosecution is liable to be quashed as per the compromise between the parties.

6. The law with regard to quashing such criminal prosecution on the basis of settlement between the parties, by virtue of compromise, has now been well-settled by the Hon"ble Apex Court in cases *Shiji @ Pappu and others v. Radhika and another*, 2012 (1) RCR (Criminal) 9; *Manoj Sharma v. State & Ors.* 2008 (4) RCR (Criminal) 827; *B.S. Joshi v. State of Haryana* 2003 (2) RCR (CrI.) 888 (SC) and Full Bench of this Court in case *Kulwinder Singh and others v. State of Punjab and another* 2007 (3) RCR (Criminal) 1052, wherein it was ruled that the High Court has vast inherent power to quash the criminal prosecution on the basis of settlement of disputes between the parties.

7. The epitome of the law laid down in the indicated judgments is that the power u/s 482 Cr.PC 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 means 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.

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

9. As is evident from the record that the parties have amicably settled the disputes and removed their misunderstandings at the intervention of respectables of both the parties. They belong to the same village. The complainant does not want to prosecute the petitioners. Therefore, 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 their wishes 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. In the light of the aforesaid reasons, the present petition is hereby accepted. Consequently, the impugned FIR No. 77 dated 27.10.2011 (Annexure P1) and all other subsequent proceedings arising therefrom, are quashed and the petitioners-accused are discharged from the indicated criminal case, in the obtaining circumstances of the case.