

(2011) 01 P&H CK 0299
In the Punjab And Haryana At Chandigarh
Case No : CRM No. 32378 of 2010

Shib Singh Alias Shaba & Ors.

APPELLANT

Vs

State of Punjab & Anr.

RESPONDENT

Date of Decision : 21-01-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 452

Citation : (2011) 1 Law Herald 719

Hon'ble Judges : Nirmaljit Kaur, J

Advocate : Mr. Charan Jit Sharma, Advocate, For the Respondent: Mr. S.S. Dhaliwal, Addl. AG, Punjab, For the Respondent No.2- Complainant: Mr. Amit Jaswal, Advocate., Advocates for appearing Parties

Judgement

Mr. Nirmaljit Kaur, J. (Oral)

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 196 dated 15.09.2010 under Section 452, 323, 148, 149 of Indian Penal Code, P S City Ferozepur, District Ferozepur which was got registered by respondent No. 2 complainant against the present petitioner on the basis of the compromise dated 26.10.2010 arrived at between the parties. Copy there has been placed on record Annexure P2.

2. Vide order dated 02.11.2010, the area Magistrate was directed to send a report qua the validity or otherwise of the compromise (P2) after recording the statement of all the concerned parties to this Court.

3. In pursuance of the said order, now, vide letter dated 15.01.2011, the Chief Judicial Magistrate, Ferozepur, has submitted his report. As per the said report, the parties do not intend to proceed further with the present litigation and they are making statements without any pressure upon them. The compromise effected between the parties is genuine one.

4. The Full Bench of this Court in the case of Kulwinder Singh and others v. State

of Punjab and another [2007(3) Law Herald (P&H) (FB) 2225] : 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 under Section 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, landlordtenant matters, commercial transactions and other such matters can safely be dealt with by the court exercising its power under Section 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.?

5. The Apex Court in the case of "Madan Mohan Abbot v. State of Punjab" reported as (2008)4 SCC 582 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 Court, grossly overburdened as they are, cannot afford and that the time so saved can be utilized 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.?

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

7. Taking into account the allegations, compromise dated 26.10.2011 as well as report furnished by the Chief Judicial Magistrate, Ferozepur, authentication the 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. 196 dated 15.09.2010 under Section 452, 323, 148, 149 of Indian Penal Code, P S City Ferozepur, District Ferozepur and subsequent proceedings arising out the same are hereby quashed.

Allowed in the aforesaid terms.

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