
(2021) 03 P&H CK 0052

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 41633 Of 2020

Surinder And Others

APPELLANT

Vs

State Of Haryana And Others

RESPONDENT

Date of Decision : 03-03-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 148, 149, 323, 324, 325, 326

Citation : (2021) 03 P&H CK 0052

Hon'ble Judges : H.S. Madaan, J

Bench : Single Bench

Advocate : Gunjeet Singh Brar, Karan Garg, Armaan Gagneja

Final Decision : Allowed

Judgement

H.S. Madaan, J

The case has been taken up through Video Conferencing. Petitionersâ€Surinder and others have brought the instant petition under Section 482

Cr.P.C. for quashing of FIR No. 180 dated 9.11.2018, for offences under Sections 148, 149, 323, 324, 325, 326 IPC, registered at Police Station

Odhan, District Sirsa, against them, along with consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected

between them and complainants Govind, Rajbir and Shishpal- arrayed as respondents No.2 to 4.

When the petition came up for hearing on 15.12.2020, notice of motion was ordered to be issued. Respondent No. 1 - State of Haryana through State

counsel, whereas respondents No.2 to 4 through Mr. Armaan Gagneja, Advocate had put in appearance. Then in light of the contention that parties

have since effected compromise, they were directed to put in appearance before

the trial Court/Ilaqa Magistrate to get their statements recorded with regard to compromise and the trial Court/Ilaqa Magistrate was directed to send a report to this Court.

Report has been received from Judicial Magistrate Ist Class, Dabwali, in terms of which complainants Govind, Rajbir and Shishpal, had

appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, without any

fear and inducement. Further, the complainants have stated that they have no objection if the FIR in question is quashed by this Court. There is

nothing on record to doubt the genuineness of the compromise so arrived at between the parties. Along with the report\ statement of the complainants

and all the accused, have been annexed.

I have heard learned counsel for the parties besides going through the record.

The dispute between the parties has been resolved amicably, which appears to have been arrived at between them voluntarily without any threat or

coercion and in terms of ratio of the authority reported as Kulwinder Singh and others vs. State of Punjab and others 2007 (3) RCR (Criminal) 1052,

where in para 28, it has been held 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 reduces friction, then it truly is

“finest hour of justice.”

It has been observed that High Court has power to quash prosecution in order to achieve ends of justice and to prevent abuse of process of law.

Though such powers are unlimited but those are to be exercised sparingly and with utmost care and caution. Though there is no statutory bar which

can effect the inherent power of High Court under Section 482 Cr.P.C.

The compromise is in interest of peace and tranquility in the society and for such like reasons this Court can quash the FIR and ancillary proceedings

exercising power under Section 482 Cr.P.C., it appears to be a fit case to exercise such powers.

Accordingly, the petition is allowed and the above said FIR along with ancillary proceedings are hereby quashed.