
(2012) 07 P&H CK 0058

In the Punjab And Haryana At Chandigarh

Case No : CRM No. M-37440 of 2011 (O and M)

Vikram Singh at Vicky

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 18-07-2012

Acts Referred:

Arms Act, 1959 — Section 25, 27

Criminal Procedure Code, 1973 (CrPC) — Section 173, 482

Penal Code, 1860 (IPC) — Section 279, 307, 336, 34, 427

Citation : (2012) 07 P&H CK 0058

Hon'ble Judges : Mehinder Singh Sullar, J

Bench : Single Bench

Advocate : Jigyasa Tanwar, for the Appellant; Tejinder Singh Salana, D.A.G., Punjab, for Respondent No. 1-State and Mr. Shashi Kant Gupta, Advocate for Mr. Sham Lal Bhalla, Advocate, for the Respondent

Judgement

Mehinder Singh Sullar, J.—The epitome of the facts, culminating in the commencement, relevant for disposal of the instant petition and emanating from the record is that, in the wake of complaint of complainant-Amit Puri son of Satpal Puri, respondent No. 2 (for brevity "the complainant"), a criminal case was registered against the petitioner-accused, vide FIR No. 100 dated 21.04.2008(Annexure P-1), on accusation of having committed the offences punishable under Sections 307, 336, 279, 427 read with Section 34 IPC and Section 25/27 of the Arms Act, by the police of Police Station Model Town, Ludhiana. During the course of investigation, the police deleted the offence punishable under Sections 307 and 279 IPC. However, after completion of the investigation, final police report in terms of Section 173 Cr.P.C. was submitted by the police against the petitioner-accused only for the commission of offence punishable under Sections 336 and 427 IPC and Section 25/27 of the Arms Act in the court.

2. During the pendency of the case, good sense prevailed and the parties have amicably settled their disputes by way of compromise dated

01.12.2011(Annexure P-2).

3. Having compromised the matter, now the petitioner-accused has preferred the present petition, to quash the FIR(Annexure P-1) and all other subsequent proceedings arising therefrom, invoking the provisions of Section 482 Cr.P.C., inter alia, pleading that with the intervention of respectables, they have amicably settled their disputes. They have no ill-will against each other. The complainant has no objection, if the criminal case registered against the petitioner is quashed. On the strength of aforesaid grounds, the petitioner sought to quash the FIR(Annexure P-1) registered against him, in the manner indicated hereinabove.

4. During the course of preliminary hearing, a Coordinate Bench of this Court(K.C.Puri, J.) directed the trial Court to record the statements of the parties in regard to the validity, genuineness or otherwise of the compromise(Annexure P-2) between the parties vide order dated 12.12.2011.

5. In pursuance thereof, the trial Court submitted its report bearing No. 361 dated 18.01.2012, wherein it was concluded that the compromise has been effected between the parties with their free will and without any kind of pressure. Now they have no grudge against each other.

6. In this manner, it stands proved on record that the parties have amicably settled their disputes by virtue of compromise dated 01.12.2011 (Annexure P-2) and report of the trial Court.

7. Above being the position on record, now the sole question that arises for determination in this petition is, as to whether the present criminal prosecution against the petitioner deserves to be quashed in view of the compromise or not?

8. Having regard to the contentions of the learned counsel for the parties, to me, it would be in the interest and justice would be sub-served, if the parties are allowed to compromise the matter. Moreover, learned counsel for the parties are ad idem that, in view of the settlement of dispute between the parties, the present petition deserves to be accepted in this regard.

9. What cannot possibly be disputed here is that, the law with regard to quash such criminal prosecution on the basis of settlement between the parties by virtue of compromise, has now been well-settled by the Hon"ble Supreme Court in cases Shiji @ Pappu and others Versus 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.

10. The contour of the law laid down in the aforesaid 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 way 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.

11. Meaning thereby, the High Court has unlimited power to quash the criminal proceedings, relatable to such disputes, on the basis of lawful settlement within the framework and restriction described by the Hon"ble Supreme Court. The ratio of the law laid down in the aforesaid judgments "mutatis mutandis" is duly applicable to the facts of the present case and is the complete answer to the problem in hand.

12. As is evident from the record that, in the instant case, the parties have amicably settled their disputes with the intervention of respectables of both the parties by means of compromise(Annexure P-2). Now they have no grudge or ill-will against each other. They want to live in peace. Moreover, the complainant has no objection if the said FIR registered against the petitioner, is quashed. The version in regard to the compromise between the parties is also reiterated by the trial Court in its indicated report. Thus, it would be seen that since, the compromise is in the welfare and interest of the parties, so, 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. Therefore, to my mind, the impugned FIR(Annexure P-1) and all other subsequent proceedings arising therefrom, deserve to be quashed in this relevant direction. In the light of aforesaid reasons, the instant petition is accepted. Consequently, FIR No. 100 dated 21.04.2008(Annexure P-1) and all other subsequent proceedings arising therefrom, are hereby quashed. The petitioner-accused is accordingly acquitted of the charges framed against him, in the obtaining circumstances of the case.