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**(2012) 08 P&H CK 0187**

**In the Punjab And Haryana At Chandigarh**

**Case No :** Criminal Miscellaneous No. M- 8348 of 2012 (O and M)

Vishal

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

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**Date of Decision :** 21-08-2012

**Acts Referred:**

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482  
Penal Code, 1860 (IPC) — Section 408

**Citation :** (2012) 08 P&H CK 0187

**Hon'ble Judges :** Vijender Singh Malik, J

**Bench :** Single Bench

**Advocate :** Sarju Puri, for the Appellant; K.D. Sachdeva, Addl. A.G. Punjab for the State and Mr. Rajeshwar Singh, Advocate, for the Respondent

**Final Decision :** Allowed

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## **Judgement**

Vijender Singh Malik, J.—Vishal, the petitioner has filed this petition under the provisions of section 482 Cr. P.C. for quashing of FIR No. 64 dated 15.5.2009 (Annexure P1) registered at Police Station City, District SBS Nagar, for an offence punishable u/s 408 of Indian Penal Code alongwith all the subsequent proceedings arising out of the same, on the basis of compromise arrived at between the parties. Besides State counsel, respondent No. 2 represented by his counsel, Mr. Rajeshwar Singh is appearing before the court. Learned counsel for the petitioner has drawn my attention to the compromise, Annexure P2 and asserted that the parties have compromised the matter. Respondent No. 2 has also filed his reply to the petition by way of his affidavit affirming the fact that the matter has been compromised without any pressure or coercion.

2. Compromise brings peace and harmony between the parties to a dispute and restores tranquility in the society. After decision of this court in Dharambir Vs. State of Haryana, 2005 (3) RCR (Cri) 426 holding that a case regarding a non-compoundable matrimonial offence could be quashed on the basis of compromise between the parties to achieve the aforesaid object, question arose regarding

other non-compoundable offences. A Larger Bench of five Hon`ble Judges of this court in Kulwinder Singh and others Vs. State of Punjab and another 2007 (3) RCR (Cri) 1052, has taken the following view in the said matter:-

29. The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court u/s 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar u/s 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.

3. Therefore, the quashing of FIRs in non-compoundable offences is not limited to matrimonial disputes and the FIR for the offence in question could also be quashed. However, before accepting the petition and quashing the proceedings, the court has to satisfy itself that the compromise is just and fair in which no party is taking undue benefit. Simultaneously, it has to be seen that the compromise is free from undue pressure. Once the court is satisfied on these points, then it has to see that the quashing would secure the ends of justice or that it would prevent abuse of process of law. Respondent No. 2 is represented by a counsel of his choice and, therefore, expert legal advice is available to him which itself dispels any fear of the court of the compromise being brought about by pressure upon respondent No. 2. Keeping in view the aforesaid facts, continuation of the prosecution for the aforesaid offence, in the said FIR where the complainant would not be ready to support the allegations contained in the FIR, would be a futile exercise. Therefore, I accept the petition and quash FIR No. 64 dated 15.5.2009 (Annexure P1) registered at Police Station City, District SBS Nagar, for an offence punishable u/s 408 IPC alongwith all the subsequent proceedings arising out of the same.