
(2010) 12 P&H CK 0315

High Court Of Punjab And Haryana At Chandigarh

Case No: CRM No. M 16273 of 2010

Sucha Singh

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision: Dec. 23, 2010

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 482
- Penal Code, 1860 (IPC) - Section 420, 467, 468, 471

Hon'ble Judges: Nirmaljit Kaur, J

Bench: Single Bench

Final Decision: Allowed

Judgement

Nirmaljit Kaur, J.

This is a petition u/s 482 Code of Criminal Procedure for quashing of FIR No. 192 dated 06.06.2007 under Sections 420, 467, 468, 471 of Indian Penal Code, registered at P S Kharar, District Mohali by Respondent No.

2. Complainant - Jasvir Kaur was married to Dalbir Singh- brother of Chajju Singh and he got divorce from her in New Zealand as she was harassing him mentally as well as physically. The said Dalbir Singh-brother of Chajju Singh bequeathed a Will dated 20.09.2000 in favour of Chajju Singh qua movable and immovable property. After the death of Dalbir Singh-brother of Chajju Singh, he filed a suit dated 14.05.2007 for declaration to the effect that he has become owner to the extent of 1/3rd share of the land property on the basis of Will dated 20.09.2000 and the same is pending in the Court of learned Civil Judge (Senior Division) Mohali. Complainant Jasvir Kaur who is divorced wife of brother of Chajju Singh, instead of defending the suit, with the connivance of local police lodged the present FIR just to pressurize him to withdraw the case and to give share to her. Petitioner-Sucha Singh is stated to be one of the attesting witnesses of the said Will.

3. Complainant Jasvir Kaur is present in court today along with her counsel. She also filed her affidavit, stating therein, that she has settled all the dispute/difference with the main accused Chajju Singh son of Late Shri Ram Kishan. The present Petitioner was a witness to the alleged forged Will. She does not have any objection if the present petition is allowed in favour of the present Petitioner and FIR is quashed.

4. The Full Bench of this Court in the case of Kulwinder Singh and Ors. v. State of Punjab and Anr 2007(3) RCR 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 u/s 482 of the Code of Criminal Procedure 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, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the court exercising its power u/s 482 of the Code of Criminal Procedure 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 Vs. State of Punjab](#), 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 Courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilised 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. From the affidavit filed by the complainant in Court today, it is clear that the matter has been compromised and she has no objection if the said FIR is quashed.

7. Taking into account the allegations and the affidavit dated 21.12.2010 of the complainant, 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. 192 dated 06.06.2007 under Sections 420, 467, 468, 471 of Indian Penal Code, registered at P S Kharar, District Mohali and further proceedings arising out of the same are hereby quashed.

9. Allowed in the aforesaid terms.