

(2010) 12 P&H CK 0317

High Court Of Punjab And Haryana At Chandigarh

Case No: CRM No. M 37858 of 2010

Meer Ali aliad Kakku and Ors

APPELLANT

Vs

State of Punjab and Anr

RESPONDENT

Date of Decision: Dec. 23, 2010

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 482
- Penal Code, 1860 (IPC) - Section 120B, 363, 366

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. 80 dated 12.06.2010 (Annexure P1) u/s 363, 366, 120B of Indian Penal Code, P S Mukerian, District Hoshiarpur which was got registered by Respondent No. 2 -complainant against the present Petitioners on the basis of the compromise dated 15.12.2010 arrived at between the parties. Copy of the same has been placed on record as Annexure P-2.

2. Complainant-Ismile is present in Court today along with his counsel. Affidavit filed by him in Court today is taken on record. It is stated in his affidavit that with the intervention of the respectable persons of the society, the dispute has been settled amicably and as such, he has no objection if the same is quashed.

3. In the present case, the said FIR was registered against the Petitioners on the statement of Respondent No. 2 with the allegations that the Petitioners have taken away Piaro daughter-in-law (Nuh) of Respondent No. 2 after enticing with the intention to get married but later on Respondent No. 2 came to know that Petitioner No. 1 Meer Ali alias Kakku and his daughter in law Piaro got married with each other according to Muslim rites and rituals. Now, the matter has been resolved amicably

and the complainant does not want to pursue the same. He has no objection if the said 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.

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.

5. The said compromise has been arrived at between the parties without any pressure. The complainant has no objection if the said FIR is quashed. Even on merits, the fact that the daughter of the complainant is happily married to Petitioner No. 1 and she is living with him as his wife, the continuance of the proceedings will amount to abuse of process of law.

6. Taking into account the allegations, compromise dated 15.12.2010 as well as affidavit 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.

7. Accordingly, the present petition is allowed and FIR No. 80 dated 12.06.2010 (Annexure P1) u/s 363, 366, 120B of Indian Penal Code, P S Mukerian, District Hoshiarpur and further proceedings arising out of the same are hereby quashed.

8. At this stage, learned Counsel for the Petitioners states that Petitioners No. 2 to 4 are behind bars and prays that they be ordered to be released forthwith.

9. Since, the said FIR has been quashed, the Petitioners No. 2 to 4 are ordered to be released forthwith.

10. Allowed in the aforesaid terms.