

(2010) 11 P&H CK 0376

High Court Of Punjab And Haryana At Chandigarh
Case No: Criminal Miscellaneous No. M - 21360 of 2010

Manpreet Singh and
Another

APPELLANT

Vs

The State of Punjab

RESPONDENT

Date of Decision: Nov. 12, 2010

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 320, 482
- Penal Code, 1860 (IPC) - Section 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 the FIR No. 251 dated 24.12.2009 under Sections 363 and 366 IPC registered at Police Station Phase-8, District Mohali and subsequent proceedings arising out of the above said FIR on the basis of compromise entered into between the parties.

2. The FIR was registered against the present Petitioners by Respondent No. 2-Nankoo son of Ram Bharose due to misunderstanding. Now matter has been compromised. As per the compromise, the complainant Respondents No. 2 and 3 do not wish to pursue the above mentioned FIR against the Petitioners. Affidavits were also executed affirming the factum of compromise and the same are placed on record as P-1 and P-2. Respondents No. 2 and 3 are present in the Court in person. Separate statements of Respondents No. 2 and 3 have also been recorded. It is duly stated by them that the matter has been compromised and they have no objection, if the said FIR is quashed.

3. 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 held that 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 reduces friction, then it truly is "finest hour of justice". Disputes which have their genesis not only in matrimonial discord but others as well, such compromise deserves to be accepted. It is further held as under:

The only inevitable conclusion from the above discussion is that there is no statutory bar under the Code of Criminal Procedure 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 Code of Criminal Procedure in order to prevent the abuse of law and to secure the ends of justice.

4. In the case of [Madan Mohan Abbot Vs. State of Punjab](#), the Apex Court emphasised and advised as under:

We need to emphasise 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. In the present case, the dispute is of kidnapping the daughter of Respondents No. 2 and 3. The same has been compromised. Sometimes, these cases are of consent. FIR is registered by the parents without knowing the said fact. No doubt, it is stated that the FIR was registered on a misunderstanding. In view of the settled position of law, it would be just and proper to quash the FIR for peace, harmony and thus allow the parties to move on in life.

6. Accordingly, the present petition is allowed and FIR No. 251 dated 24.12.2009 under Sections 363 and 366 IPC registered at Police Station Phase-8, District Mohali and subsequent proceedings arising out of the above said FIR are hereby quashed in the interest of justice.