

(2009) 03 P&H CK 0279

High Court Of Punjab And Haryana At Chandigarh

Case No: None

Jaswinder Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: March 26, 2009

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 482
- Penal Code, 1860 (IPC) - Section 34, 382, 506

Citation: (2009) 5 SLR 791

Hon'ble Judges: Sabina, J

Bench: Single Bench

Final Decision: Allowed

Judgement

Sabina, J.

The present case was taken up before the Mega Lok Adalat on 21.12.2008. Statement of Jaswinder Singh-accused and Preet Mohan Singh -complainant were recorded on 21.12.2008 which reads as under:

statement of Jaswinder Singh Rear

I have compromised the matter with the complainant with the intervention of respectables in the Lok Adalat. It will help us to maintain cordial relations between us in future and avoid future litigation and hatred.

Statement of Preet Mohan Singh

I have compromised the matter with the accused with the intervention of respectables. In view of the compromise arrived between us, I have no objection if the criminal proceedings against the accused are quashed it will help us to maintain cordial relations between us in future and avoid future litigation and hatred.

2. Since the compromise was effected in non-compoundable offence, reference has been made by learned District and Sessions Judge, Rupnagar to this Court.

3. As per the Full Bench judgment of this Court in Kulwinder Singh and Ors. v. State of Punjab. 2007 (3) RCR (Cri) 1052, High Court has power u/s 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court felt that the same was required to prevent the abuse of the process of any Court or to otherwise secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

4. Hon"ble the Apex Court in the case of [Nikhil Merchant Vs. Central Bureau of Investigation and Another](#), in paras 23 and 24 has held as under:

23. In the instant case, the disputes between the Company and the Bank have been set at rest on the basis of the compromise arrived at by them whereunder the dues of the Bank have been cleared and the Bank does not appear to have any further claim against the Company. What, however, remains is the fact that certain documents were alleged to have been created by the appellant herein in order to avail of credit facilities beyond the limit to which the Company was entitled. The dispute involved herein has overtones of a civil dispute with certain criminal facets. The question which is required to be answered in this case is whether the power which independently lies with this Court to quash the criminal proceedings pursuant to the compromise arrived at, should at all be exercised?

24. On an overall view of the facts as indicated hereinabove and keeping in mind the decision of this Court in B.S. Joshi Satendra is a computer operator. case (supra) and the compromise arrived at between the Company and the Bank as also Clause 11 of the consent terms filed in the suit filed by the Bank, we are satisfied that this is a fit case where technicality should not be allowed to stand in the way in the quashing of the criminal proceedings, since, in our view, the continuance of the same after the compromise arrived at between the parties would be a futile exercise.

5. Keeping in view the statements made by the parties before the Mega Lok Adalat, no useful purpose would be served by allowing the criminal proceedings to continue.

6. Accordingly, this petition is allowed. FIR No. 286 dated 4.11.2003 under Sections 382,506,34 of the Indian Penal Code registered at police Station, Kharar and all subsequent proceedings arising therefrom are quashed.