

(2012) 07 P&H CK 0257

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-20521 of 2012 (O and M)

Santokh Chand and others

APPELLANT

Vs

State of Punjab and others

RESPONDENT

Date of Decision: July 16, 2012

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 320, 482
- Penal Code, 1860 (IPC) - Section 148, 149, 302, 323, 324

Hon'ble Judges: Vijender Singh Malik, J

Bench: Single Bench

Advocate: G.S. Dham, for the Appellant;

Final Decision: Dismissed

Judgement

Vijender Singh Malik, J.

This is a petition brought under the provisions of section 482 Cr.P.C. by Santokh Chand and four others for quashing of FIR No. 78 dated 23.10.2011 registered at Police Station Begowal, District Kapurthala for an offence punishable under sections 148, 302, 323, 324 read with section 149 of Indian Penal Code alongwith all the subsequent proceedings arising out of the same, on the basis of compromise dated 3.11.2011 (Annexure P2) arrived at between the parties. Earlier to the decision of 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, there had been a decision of this Court in Dharambir Vs. State of Haryana, 2005 (3) RCR (Cri) 426 wherein it had been laid down that though non-compoundable, the cases regarding matrimonial offences could be quashed on the basis of compromise to maintain peace and harmony between the parties and the society in which they are living. A question arose as to whether quashing of cases of non-compoundable offences other than matrimonial offences, could be allowed. The matter was referred to a Larger Bench of this Court and in Kulwinder Singh's case (supra) the Larger Bench has decided as follows:-

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.

2. However, distinction has to be maintained between the offences which are personal offences and the offences which affect the society at large. The case in hand is for an offence, inter-alia, punishable u/s 302 IPC and the offence of this nature not only affects the individuals but also the society as a whole. No decision either of this Court or of Hon"ble Supreme Court of India granting relief in a case for an offence punishable u/s 302 IPC has been brought to my notice. In the considered opinion of this Court, quashing of FIR for this offence cannot be allowed on the basis of compromise. So, I do not find it to be a fit case where the FIR could be quashed on the basis of compromise. The petition is, consequently, dismissed.