
Davinder Singh Vs State of Punjab and another

Criminal Misc No. 13145-M of 2008

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: May 28, 2008

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) " Section 320, 482#Penal Code, 1860 (IPC) " Section 307

Citation: (2008) 4 RCR(Criminal) 425

Hon'ble Judges: Arvind Kumar, J

Bench: Single Bench

Advocate: R.P. Dhir, for the Appellant; A.S. Parmar, Advocate for the Respondent No. 2 and Mr. B.S. Sra, DAG Punjab for the Respondent No. 1, for the Respondent

Final Decision: Allowed

Judgement

Arvind Kumar, J.

Through the instant petition filed u/s 482 Cr.P.C., the petitioner has sought for quashing of FIR No. 25 dated

31.3.2008, registered against him under Sections 307 IPC, at Police Station Mehtiana, and all other consequent proceedings, on the basis of

compromise having been entered between the parties.

2. The impugned FIR has been registered on the basis of statement made by respondent No. 2 Harbans Singh to the effect that the petitioner had

caused him grievous injuries with an intention to kill.

Respondent No. 2 Harbans Singh has also submitted his reply by way of an affidavit authenticating the compromise, Annexure P-2, entered into

between the parties with the intervention of respectable persons. He and his nephew have also made statement in Court to the same effect, which

are duly authenticated by his counsel. He has thus, stated that they have no grudge against each other, and has prayed for quashing of FIR and

subsequent proceedings, in the interest of justice.

3. By now it is fully settled that the High Court in exercise of inherent powers can quash the proceedings if it finds that allowing of any such

proceedings to continue would be an abuse of process of the Court or that ends of justice require that the proceedings be quashed. In the case of

State of Karnataka Vs. L. Muniswamy and Others, the Hon^{ble} Supreme Court has observed that the ends of justice are higher than ends of mere

law, though justice has got to be administered according to the laws made by the legislature yet the Court proceeding ought not to be permitted to

degenerate into a weapon of harassment or persecution.

4. In the case of Mrs. Shakuntala Sawhney Vs. Mrs. Kaushalya Sawhney and Others, the essence of compromise has been summed up in

following words:

The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship of reunion.

5. The Larger Bench of this Court in the case of Kulvinder Singh & Ors. v. State of Punjab & Anr. 2007 (3) RCR (Cri) 1032 (FB), while

discussing the scope of quashing of prosecution on the basis of compromise, by this Court in exercise of powers u/s 482 Cr.P.C., even in non-

compoundable offence(s) has held as under:

28. 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 Cr.P.C. 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 in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can

safely be dealt with by the Court by exercising its powers u/s 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power

is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any

premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.

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.

6. Therefore, in view of the discussion above, since the parties have amicably settled the matter, which is otherwise in the interest of justice and

appears to have been effected to promote peace and harmony amongst the parties, who are residents of same village, the instant petition is

allowed. Consequently, impugned FIR No. 25 dated 31.3.2008, registered against the petitioner under Sections 307 IPC, at Police Station

Mehtiana, and all other consequent proceedings, therein are quashed.