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## Salinder Jindal Vs The State of Haryana and Others

## CRM M-9372 of 2011

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: May 26, 2011

**Acts Referred:** 

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

Section 279, 337, 338

Hon'ble Judges: Nirmaljit Kaur, J

Bench: Single Bench

Final Decision: Allowed

## **Judgement**

Nirmaljit Kaur, J.

The present petition has been filed u/s 482 Code of Criminal Procedure for quashing of FIR No. 86 dated 3.5.2009

under Sections 279/337/338 IPC Police Station Israna, District Panipat and subsequent proceedings arising therefrom on the basis of compromise

entered into between the parties.

2. The FIR in question was got registered by Respondent No. 2. However, the matter has been compromised due to the intervention of the

respectables of the area. Joint statement dated 14.2.2011 (Annexure P-1) made by the parties before Mediation and Conciliation Centre, Karnal

has already been placed on record to this effect.

3. The parties are present in the Court alongwith their respective counsel. Learned Counsel for Respondents No. 2 and 3 has placed on record the

affidavits of Respondents No. 2 and 3 admitting the factum of compromise. As per the said affidavits, Respondents No. 2 and 3 have no objection

if the FIR in question 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 (Cri) 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.

5. 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.

6. Taking into account that the compromise has been effected between the parties and the affidavits of Respondents No. 2 and 3 stating that they

have no objection if the FIR is quashed, it is a fit case where there is no impediment in the way of the Court to exercise its inherent powers u/s 482

Code of Criminal Procedure for quashing of FIR in the interest of justice.

7. Accordingly, the present petition is allowed and FIR No. 86 dated 3.5.2009 under Sections 279/337/338 IPC Police Station Israna, District

Panipat and all subsequent proceedings arising therefrom are hereby quashed.