

(2011) 05 P&H CK 0280

High Court Of Punjab And Haryana At Chandigarh

Case No: CRM M-9372 of 2011

Salinder Jindal

APPELLANT

Vs

The State of Haryana and Others

RESPONDENT

Date of Decision: May 26, 2011

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 320, 482
- Penal Code, 1860 (IPC) - 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.