

(2011) 05 P&H CK 0282

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal M. No. M-11963 of 2011

Bikramjit Singh and Others

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision: May 26, 2011

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 320, 482
- Penal Code, 1860 (IPC) - Section 148, 149, 323, 324, 325

Hon'ble Judges: Nirmaljit Kaur, J

Bench: Single Bench

Final Decision: Allowed

Judgement

Nirmaljit Kaur, J.

The instant petitions have been filed for quashing of FIR No. 176 dated 28.10.2005 registered under Sections 148/326/325/324/323/427/149 IPC at Police Station Haryana District Hoshiarpur as well as cross case registered under Sections 325/324/323/148/149 IPC at Police Station Haryana District Hoshiarpur in the aforesaid FIR and subsequent proceedings arising therefrom on the basis of compromise entered into between the parties.

2. The FIR in question mentioned in Crl.M. No. M-11963 of 2011 was got registered by Respondent No. 2-Iqbal Singh whereas cross case mentioned in Crl.M. No. M-13230 of 2011 was got registered by Respondent No. 2 Bikramjit Singh.

3. However, the matter has since been compromised due to the intervention of the respectables of the area. Compromise deeds has also been placed on record in both the petitions.

4. The parties are present in the Court alongwith their respective counsel. Learned Counsel for the parties have placed on record the affidavits of Respondent No. 2 complainant in Crl.M. No. 11963-M of 2011 as well as Respondents No. 2 to 5 in

Crl.M. No. 13230-M of 2011 admitting the factum of compromise. As per their affidavits, they have no objection if the FIR in question as well as cross case are quashed.

5. 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.

6. 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.

7. In view of the settled position of law and in the facts of the present case, it is a fit case where there is no impediment in the way of the Court to accept the compromise and exercise its inherent powers u/s 482 Code of Criminal Procedure for quashing of FIR in the interest of justice to promote peace and harmony. The compromise is entered into without any pressure.

8. Accordingly, the instant petitions are allowed and FIR No. 176 dated 28.10.2005 registered under Sections 148/326/325/324/323/427/149 IPC at Police Station Haryana District Hoshiarpur as well as cross case registered under Sections 325/324/323/148/149 IPC at Police Station Haryana District Hoshiarpur in the aforesaid FIR and subsequent proceedings arising therefrom on the basis of compromise entered into between the parties are hereby quashed in the interest of justice.

9. A photo copy of this order be placed on the connected case.