

(2010) 10 P&H CK 0312

High Court Of Punjab And Haryana At Chandigarh

Case No: CRM No. M-18923 of 2010

Mukesh and Others

APPELLANT

Vs

State of Haryana and Rajbir

RESPONDENT

Date of Decision: Oct. 12, 2010

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 173, 482
- Penal Code, 1860 (IPC) - Section 323, 324, 325, 34

Hon'ble Judges: Mehinder Singh Sullar, J

Bench: Single Bench

Judgement

Mehinder Singh Sullar, J.

The synopsis of the facts, which need a necessary mention for a limited purpose of deciding the core controversy involved the present petition and emanating from the record, is that on 28.5.2005 at about 12 noon, complainant Rajbir (Respondent No. 2) was present in front of his shop. In the meantime, all the Petitioners-accused came there armed with axe, lathis and jellies, attacked and caused injuries to him (complainant). He felled on the ground after receiving the injuries and the accused continuously gave blows with their respective weapons to him. He raised noise, which attracted his sisters-in-law Munni and Guddi and sister Bimla (PWs).

2. Levelling a variety of allegations and narrating the sequence of events, in all, according to the complainant that on 28.5.2005, all the accused caused injuries to him with their respective weapons. On the basis of aforesaid allegations and in the wake of statement of complainant Rajbir, the present case was registered against the Petitioners-accused, vide FIR No. 181 dated 6.6.2005 (Annexure P1), on accusation of having committed the offences punishable under Sections 323, 324 and 325 read with Section 34 IPC by the police of Police Station Sadar Bhiwani.

3. After completion of the investigation, the police submitted the final police report u/s 173 Code of Criminal Procedure/challan against the Petitioners in the trial Court.

4. What is not disputed here is that during the pendency of the trial, the good sense prevailed and the matter was compromised between the parties at the intervention of respectables and relatives. They have settled all their disputes and decided to live peacefully.

5. In this manner, now the Petitioners have filed the present petition for quashing the FIR (Annexure P1) and all subsequent proceedings thereto on the basis of compromise, invoking the provisions of Section 482 Code of Criminal Procedure, inter-alia, pleading that the parties have executed the compromise deed (Annexure P2) and the complainant filed his affidavit (Annexure P3) in this regard. In order to substantiate the validity of the compromise, the complainant-Respondent No. 2, vide his separately recorded statement, has stated that they have compromised the matter with the intervention of respectables and relations and prayed for quashing of the criminal proceedings. As per compromise deed (Annexure P2), the parties have resolved the controversy between them and have no grudge against each other. The complainant is not willing to take any action against the Petitioners and he has no objection if the accused are acquitted. Rajesh accused does not want to pursue the criminal complaint against the complainant and he (Rajbir) has also no objection to acquit him in the present case. Both the parties are the residents of the same village and belong to the same family. The compromise has been effected without any pressure, coercion or any threat.

6. Above being the position on record, now the sole question that arises for determination in this petition is as to whether it would be expedient in the interest of justice to quash the criminal prosecution or not?

7. Having regard to the rival contentions of the learned Counsel for the parties, having gone through the record with their valuable help and after bestowal of thoughts over the entire matter, to me, justice would be sub-served if the parties are allowed to compromise the matter in this relevant context.

8. The law of settlement of criminal disputes by virtue of compromise is not res-integra and is well settled. The clear and explicit intention of the Legislature in this regard was transformed in reality by Hon'ble Apex Court in cases Manoj Sharma v. State and Ors. 2008(4) RCR 827; B.S. Joshi v. State of Haryana 2003 (2) RCR 888 (SC) and Full Bench of this Court in case Kulwinder Singh and Ors. v. State of Punjab and Anr. 2007 (3) RCR 1052.

9. The epitome of the law laid down in the aforesaid judgments is that the power u/s 482 Code of Criminal Procedure has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The Court is a vital and an extra-ordinary effective instrument to maintain and control social order. The Courts play role of paramount importance in achieving peace, harmony and everlasting congeniality in society and resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention

of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery if the statement is fair being free from under pressure. Meaning thereby, the High Court has unlimited power to quash the criminal proceedings, relatable to such injury cases, on the basis of lawful settlement. The law laid down in the aforesaid judgments "*mutatis mutandis*" is fully applicable to the present case and is the complete answer to the problem in hand.

10. As the parties have lawfully agreed to settle the dispute, therefore, to my mind, there is no impediment in translating the wishes of the parties into reality and to quash the criminal prosecution to set the matter at rest to enable them to live in peace and to enjoy the life and liberty in a dignified manner as guaranteed by and as contemplated in the Constitution of India.

11. In the light of the aforesaid reasons, the instant petition is hereby accepted. Consequently, FIR No. 181 dated 6.6.2005 (Annexure P1) and all other subsequent proceedings thereto are quashed and the Petitioners are discharged, in the obtaining circumstances of the case.