

(2010) 10 P&H CK 0323

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M 11431 of 2010

Sukhwinder Singh and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision: Oct. 25, 2010

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 320, 482
- Penal Code, 1860 (IPC) - Section 148, 149, 323, 324, 326

Hon'ble Judges: Jaswant Singh, J

Bench: Single Bench

Final Decision: Allowed

Judgement

Jaswant Singh, J.

Prayer is u/s 482 Cr.PC for quashing of cross case registered on the statement of Respondent No. 2 Bhag Singh @ Gurbhag Singh son of Hira Singh the FIR No. 28 dated 1.2.2010 under Sections 452, 323, 324, 148 and 149 of Indian Penal Code and later on added offence u/s 326 of Indian Penal Code registered with Police Station City Taran Taran, District Taran Taran and other proceedings arising out of the aforesaid FIR on the basis of compromise (Annexure P-3) arrived at between the parties.

2. In the FIR, complainant Bhag Singh had levelled allegations against the Petitioners that he had a dispute of passage with the Petitioners due to which they were not on talking terms and used to watch the entire activities of the complainant. On 22.1.2010 when complainant tried to stop Petitioner Sukhwinder Singh from looking like that then Petitioner Sukhwinder Singh abused the complainant and all the Petitioners armed with deadly weapons such as Kirpans, Takuva and Brickbat attacked the complainant and his brother Harjinder Singh and also inflicted injuries on the person of complainant as well as Harjinder Singh.

3. After issuance of notice of motion separate replies by way of affidavits dated 28.6.2010 on behalf of the Respondent Nos. 2 and 3 has been filed in the court.

4. On the last of hearing, parties were directed to appear before the learned Illaqa Magistrate by making appropriate application who shall record their statements and submit his report regarding the genuineness of the compromise.

5. Report (Mark-A) in the shape of letter dated 21.10.2010 of learned Chief Judicial Magistrate, Taran Taran along with photocopies of statements of the parties concerned has been received wherein it is stated that the parties appeared before that court and suffered statements recorded separately before that court. Complainants in their statements have stated that they have compromised the matter with the accused persons-Petitioners and complainant Harjinder Singh has also received Rs. 80,000/- for his medical treatment and have no objection if the aforesaid FIR and all consequential proceedings are quashed against them.

6. From the report submitted it is evident that the dispute between the Petitioners-accused and the complainants has been amicably resolved by entering into compromise wherein the complainants have stated that they have no objection if the present FIR against the Petitioners-accused is quashed.

7. Learned State Counsel is unable to raise any serious objection in view of the aforesaid compromise wherein the parties have deposed on the basis of the compromise and since the Respondent No. 2 is not willing to pursue the cross case in the present FIR. It is further submitted that challan in the present case is yet to be presented.

8. A Full Bench of this Court in *Kulwinder Singh and Ors. v. State of Punjab and Anr.* 2007(3) RCR 1052 has held that this Court, in appropriate cases, while exercising powers u/s 482 Cr.P.C., may quash an FIR disclosing the commission of non-compoundable offences. The relevant extracts read as under:

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.

9. Similar views were expressed by Hon"ble the Apex Court in [Madan Mohan Abbot Vs. State of Punjab](#), the relevant extract of which is 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.

10. Keeping in view the above settled legal position and taking into account the fact that both the parties have desired to live in peace and harmony and carry on with their lives without any ill will or rancour by resolving their differences and entering into the aforesaid compromise, it is evident that it is a fit case where there is no legal impediment in the way of the Court to exercise its inherent powers u/s 482 Cr.P.C., for quashing of the FIR in the interest of justice.

11. Accordingly, the present petition is allowed and cross case registered on the statement of Respondent No. 2 Bhag Singh @ Gurbhag Singh son of Hira Singh in FIR No. 28 dated 1.2.2010 under Sections 452, 323, 324, 148 and 149 of Indian Penal Code and later on added offence u/s 326 of Indian Penal Code registered with Police Station City Taran Taran, District Taran Taran and all subsequent proceedings arising therefrom are quashed against all the Petitioners.