

(2010) 11 P&H CK 0602

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal M. No. 25660-M of 2010

Lalit Gupta and Ors

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision: Nov. 26, 2010

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 320, 482
- Penal Code, 1860 (IPC) - Section 323, 324, 34

Hon'ble Judges: Jaswant Singh, J

Bench: Single Bench

Final Decision: Allowed

Judgement

Jaswant Singh, J.

Present petition u/s 482 Cr.PC is for quashing of cross case lodged at the instance of Respondent No. 2 in case FIR No. 202 dated 06.11.2004 under Sections 324/323/34 IPC, P.S Haibowal, District Ludhiana and the subsequent proceedings on the basis of compromise (Annexure P-3).

2. Allegations in the cross case are that the Petitioners gave fist blows to the complainant-Respondent No. 2 as well as her son-Respondent No. 3 (Amit Kumar).

3. Vide order dated 01.09.2010, this Court directed the learned trial Court to send report with regard to compromise in pursuance of which, a report/letter dated 25.10.2010 has been received from the C JMIC, Ludhiana, which is taken on record as Mark-A. It is stated in the report that statement of both the parties have been recorded and they have arrived at a compromise and the complainant has no objection if the aforesaid FIR is quashed on the basis of compromise.

4. Learned state counsel, on instructions from SI Ajaib Singh states that the case is at the stage of prosecution evidence. He further states that he is unable to raise any serious objection to the quashing of the FIR on the basis of the compromise since

the complainant is not willing to support the prosecution case.

5. Hon"ble Supreme Court in [B.S. Joshi and Others Vs. State of Haryana and Another](#), has made it explicitly clear in para 15 of its judgment that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 of the Code does not limit or effect the powers u/s 482 of the Code.

6. 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.

7. Hon"ble Apex Court in another case in [Nikhil Merchant Vs. Central Bureau of Investigation and Another](#), while relying upon its decision in B.S. Joshi's case(supra) has also held that in view of the compromise arrived at between the parties, the technicalities should not be allowed to stand in the way in the quashing of criminal proceedings and the continuance of the same after compromise between the parties would be a futile exercise.

8. 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.

9. 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 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.

10. Accordingly, the present petition is allowed and cross case lodged at the instance of Respondent No. 2 in case FIR No. 202 dated 06.11.2004 under Sections

324/323/34 IPC, P.S Haibowal, District Ludhiana and all subsequent proceedings arising therefrom, are quashed.