

(2010) 12 P&H CK 0554

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-28165 of 2010

Amritpal Singh alias Amrita
Singh

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision: Dec. 16, 2010

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 320, 482
- Penal Code, 1860 (IPC) - Section 380, 409, 420

Hon'ble Judges: Nirmaljit Kaur, J

Bench: Single Bench

Final Decision: Allowed

Judgement

Nirmaljit Kaur, J.

This is a petition u/s 482 Code of Criminal Procedure for quashing of the FIR No. 81 dated 12.06.2008 under Sections 409, 420 and 380 IPC registered at Police Station Sardulgarh, District Mansa, Challan Report dated 20.08.2008 and Charge Sheet dated 10.11.2008 along with all subsequent proceedings arising therefrom on the basis of compromise entered into between the parties.

2. The FIR was registered against the present Petitioner by Respondent No. 2-Jaivinder Singh. Notice of motion was issued in this case and the trial Court was directed to record a finding and send his report whether any volunteer compromise has been arrived at between the parties. Accordingly, a report with regard to the same has been received from Sub Divisional Judicial Magistrate, Sardulgarh, wherein, it is stated that the matter has been compromised between the parties. As per the compromise, the Petitioner had deposited Rs. 2,83,787/-with Academy Koriwal and the complainant Jaivinder Singh stated that now there is nothing due towards the Petitioner. Therefore, the compromise effected between the parties appear to be volunteer one. The matter having been compromised, it is 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 the FIR.

3. The Full Bench of this Court, in the case of Kulwinder Singh and Ors. v. State of Punjab and Anr. 2007(3) RCR 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.

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 CrI. Misc. No. M-28165 of 2010 3 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.

4. The matter has been compromised. In view of the settled position of law, it would be just and proper to quash the FIR for peace, harmony and thus allow the parties to move on in life.

5. Accordingly, the present petition is allowed and FIR No. 81 dated 12.06.2008 under Sections 409, 420 and 380 IPC registered at Police Station Sardulgarh, District Mansa, Challan Report dated 20.08.2008 and Charge Sheet dated 10.11.2008 along with all subsequent proceedings arising therefrom are hereby quashed in the interest of justice.