

(2010) 11 P&H CK 0647

High Court Of Punjab And Haryana At Chandigarh

Case No: CRM No. M 28439 of 2010

Kala Singh and Another

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision: Nov. 29, 2010

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 482
- Penal Code, 1860 (IPC) - Section 323, 34, 379, 504, 506
- Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 - Section 3, 7

Citation: (2010) 4 Crimes 510

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 complaint No. 25-1 of 04.05.20002 (Annexure P-1) under Sections 3, 7 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Sections 323, 504, 506, 379, 34 of Indian Penal Code) titled as Mehnga Ram v. Kala Singh and Anr., pending in the Court of learned Chief Judicial Magistrate, Muktsar on the basis of compromise dated 02.08.2010.

2. As per the complaint, Mehnga Ram belongs to Bazigar Caste, CRM No. M 28439 of 2010 2 which falls in the Scheduled Caste category in the State of Punjab. He was Sarpanch of Village Doda, Tehsil Gidderbaha, District Muktsar. The Petitioners are alleged to have abused Respondent No. 2 by naming his caste using derogatory words and beaten him up in front of the office of DDPO, Muktsar.

3. Today, Mehnga Ram - Respondent No. 2 is present in Court. He filed his affidavit, stating therein, that with the intervention of respectable persons, the matter has

been compromised between the parties and he has no objection if the aforesaid complaint is quashed.

4. 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 observed as under:

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 reduced friction, then it truly is finest hour of justice. Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the court exercising its power u/s 482 of the Code of Criminal Procedure in the event of a compromise, but this is not to say power is limited to such cases. There can never be any such rigid rules to prescribe the exercise of such power.

5. The Apex Court in the case of *Madan Mohan Abbot Vs. State of Punjab*, emphasised in para No. 6 as follows:

6. We need to emphasize 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.

6. The said compromise has been arrived at between the parties without any pressure. The complainant has no objection if the said complaint is quashed.

7. Taking into account the allegations as well as the affidavit of the complainant, there is no impediment in the way of this Court to quash the present complaint and subsequent proceedings arising out of the same in view of the above said settled proposition of law.

8. Accordingly, the present petition is allowed and complaint No. 25-1 of 04.05.20002 (Annexure P-1) u/s 3, 7 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and u/s 323, 504, 506, 379, 34 of Indian Penal Code titled as *Mehnga Ram v. Kala Singh and another.*, pending in the Court of learned Chief Judicial Magistrate, Muktsar and further proceedings arising out of the same are hereby quashed qua the present Petitioners.

9. Allowed in the aforesaid terms.