

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANAT AT CHANDIGARH.**

Crl. Misc.No.M 20596 of 2010

Date of Decision:-29.10.2010

Balbir Kaur & Ors.

.....Petitioners.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH.

Present:- Mr. M.S. Gill, Advocate
for the Petitioners.

Mr. Gaurav Garg Dhuriwala, AAG Punjab.

JASWANT SINGH, J.

Prayer is under section 482 Cr.PC for quashing of FIR No.170 dated 22.5.2009 under Sections 380 and 120-B of Indian Penal Code registered with Police Station Tripari Town, Patiala against her daughter in law petitioner no.2 Sukhjeet Kaur who is married to Jatinder Pal Singh(son of the complainant). The allegations have also been levelled against the parents petitioners no.1 & 3 and the relatives petitioners no.4 & 5 of petitioner no.2 Sukhjeet Kaur.

Prayer is for quashing of aforesaid FIR on the basis of compromise(P-2) dated 15.5.2010.

As per allegations in the FIR complainant-respondent no.2

levelled allegations against petitioner no.2 and her parents and other relatives alleging that she along with her relatives removed certain articles from her house.

While issuing notice of motion parties were directed to appear before the learned trial court for getting their statements recorded in terms of the compromise and submit its report regarding the genuineness of the compromise.

Report (Mark-A) in the shape of letter dated 25.10.2010 of learned Judicial Magistrate Ist Class, Patiala has been received wherein it is stated that the parties appeared before that court and suffered statements recorded separately in terms of the compromise and stated that the matter between the parties has been compromised and complainant has no objection if the aforesaid FIR and all consequential proceedings are quashed against them.

From the report submitted it is evident that the dispute between the petitioners-accused and the complainant has been amicably resolved by entering into compromise wherein the complainant has stated that he has no objection if the present FIR against them is quashed.

Learned State Counsel on instructions from ASI Bhinder Pal is unable to raise any serious objection in view of the aforesaid compromise wherein the parties have deposed on the basis of the compromise

A Full Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007(3) RCR (Criminal) 1052 has held that this Court, in appropriate cases, while exercising powers under Section 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 under Section 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 under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.”

Similar views were expressed by Hon'ble the Apex Court in **Madan Mohan Abot v. State of Punjab** 2008(4) SCC 582, 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.”

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 under Section 482 Cr.P.C., for quashing of the FIR in the interest of justice.

Accordingly, the present petition is allowed and FIR No.170 dated 22.5.2009 under Sections 380 and 120-B of Indian Penal Code registered with Police Station Tripari Town, Patiala as well as the subsequent proceedings arising therefrom are quashed against the petitioners.

**(JASWANT SINGH)
JUDGE**

29th October, 2010
Vinay