

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

CRM M-15462 of 2012
Date of Decision:31.5.2012

Onkar Singh and others Petitioners

Versus

State of Punjab and others Respondents

CORAM: Hon'ble Ms. Justice Nirmaljit Kaur

Present: Mr. B.S. Randhawa, Advocate for the petitioners.
Mr. Kirat Singh Sidhu, D.A.G. Punjab.
Mr. A.S. Chahal, Advocate for respondents No.2 and 3.

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

NIRMALJIT KAUR, J.(Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.16 dated 6.3.2007 under Sections 323/324/148/149 IPC Police Station Noorpur Bedi, District Ropar and subsequent proceedings arising therefrom on the basis of compromise entered into between the parties.

The FIR in question was got registered by respondent No.2. However, due to the intervention of the respectable of the family, the matter has been compromised. Compromise deed (Annexure P-2) has already been placed on record.

The parties are present in the Court alongwith their respective counsel. Learned counsel for respondents No.2 and 3 has placed on record the affidavits of respondents No.2 and 3 authenticating the compromise. As per the said affidavits,

respondents No.2 and 3 have no objection if the FIR in question is quashed.

The Full Bench of this Court, in the case of **Kulwinder Singh and others v. State of Punjab and another** 2007(3) RCR (Criminal) 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 under Section 482 of the Cr.P.C. 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 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.”

In the case of **Madan Mohan Abbot v. State of Punjab** 2008(4) S.C. Cases 582, the Apex Court emphasised and advised 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.”

Taking into account that the compromise has been effected between the parties and the affidavits of respondents No.2 and 3 stating that they have no objection if the FIR is quashed, it is a fit case where there is no impediment in the way of the Court to exercise its inherent powers under Section 482 Cr.P.C. for quashing of FIR in the interest of justice.

Accordingly, the present petition is allowed and FIR No.16 dated 6.3.2007 under Sections 323/324/148/149 IPC Police Station Noorpur Bedi, District Ropar and all subsequent proceedings arising therefrom are hereby quashed.

31.5.2012
rajeev

(NIRMALJIT KAUR)
JUDGE