

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**Cr1. Misc. No.M-7163 of 2012
Date of decision:30.11.2012**

Sukhwinder Singh @ Micky Chhabra ... Petitioner

Versus

State of Punjab and another .. Respondents

CORAM : HON'BLE MR. JUSTICE VIJENDER SINGH MALIK

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

**Present- Mr. Pritam Saini, Advocate,
 for the petitioner.**

**Mr. Amit Chaudhary, DAG, Punjab
for respondent no.1-State.**

**Mr. Dharminder Singh Randhawa, Advocate
for respondent no.2.**

--

VIJENDER SINGH MALIK, J.

Sukhwinder Singh alias Micky Chhabra, the petitioner has brought this petition under the provisions of section 482 Cr. P.C., for quashing of FIR No. 23 dated 16.12.2010, registered at Police Station Lakhewali, District Sri Muktsar Sahib as well as criminal complaint no.182

dated 22.09.2010 titled as Jagdeep Singh v. Sukhwinder Singh alongwith all the subsequent proceedings arising out of the same, on the basis of compromise/affidavit dated 29.10.2011 arrived at between the parties.

While issuing notice of motion vide order dated 13.03.2012, the parties were directed to appear before learned Illaqa Magistrate of Police Station Lakhewali, District Sri Muktsar Sahib on 29.03.2012 for getting their statements recorded in support of the compromise. Learned Judicial Magistrate Ist Class, Malout has sent his report in this regard through learned District & Sessions Judge, Sri Muktsar Sahib. He has reported regarding the recording of the statements of the parties in support of the compromise and has concluded his report by submitting that the compromise is with their free will and without any threat, promise and undue influence being exercised by any party.

The contested decisions made by the courts leave scars on the persons on either side. A decision on the basis of compromise does not leave any such scar. Compromise not only brings peace and harmony between the parties to a dispute but also restores tranquility in the society. Taking restoration of peace and harmonious relations

between the parties and order in the society as the prime concerns of law, it has been held by this court in **Dharambir Vs. State of Haryana, 2005 (3) RCR (Criminal) 426** that a non-compoundable matrimonial offence could be quashed on the basis of compromise between the parties. However, the said decision left a gap as it did not cover the cases other than the cases for matrimonial offences. A Larger Bench of five Hon`ble Judges of this court in **Kulwinder Singh and others Vs. State of Punjab and another 2007 (3) RCR (Criminal) 1052** took the following view with regard to the other non-compoundable offences:-

“29. 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.”

The matter relates to a business transaction where money was payable to the complainant. A cheque was issued to repay the debt but the same was dishonoured and, therefore, the two cases were instituted.

As has been reported by the Magistrate, the parties have settled their dispute and the complainant has received his money. The compromise is, therefore, just and fair, without any pressure on anyone and the object of this compromise is to secure the ends of justice. Consequently, I find the matter to have been amicably settled. Hence, the petition is allowed and FIR No. 23 dated 16.12.2010, registered at Police Station Lakhewali, District Sri Muktsar Sahib as well as criminal complaint no.182 dated 22.09.2010 titled as Jagdeep Singh v. Sukhwinder Singh along with all the subsequent proceedings arising out of the same are quashed.

(VIJENDER SINGH MALIK)
JUDGE

November 30, 2012
dinesh