

ChalN Sukh and ors. Vs. State and Others

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Court : Delhi

Decided On : Mar-18-1998

Reported in : 1998(3)Crimes24; 76(1998)DLT950; 1998(46)DRJ172

Judge : Dalveer Bhandari,, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 482; [Indian Penal Code \(IPC\), 1860](#) - Sections 34, 323, 452 and 506

Appeal No. : Crl. M.(M) No. 650 of 1998

Appellant : ChalN Sukh and ors.

Respondent : State and Others

Judgement :

Dalveer Bhandari, J.

1. The petitioners have filed petition under section 482 of the Code of Criminal Procedure for quashing the FIR No. 91/95, Police Station Prasad Nagar, New Delhi, under sections 452/323/506/34, IPC pending in the court of Shri R.B. Singh, Metropolitan Magistrate, Delhi. The incident is dated 30th April, 1995, when the complainant and his wife were in their house and the petitioners forcibly entered inside and started beating the complainant and his wife. The complainant's brother Yad Ram was also given beating. The next day, the matter was reported to the

Police, and the complainant got himself medically examined and on the basis of the statement of respondent no.2, FIR No. 91/95 was registered under Section 452/323/506/34, IPC.

2. It is submitted by the learned counsel for the petitioners, who is accompanied by the petitioners and respondent no.2 in person, that the parties live in the same neighborhood for a long time and during the pendency of this matter, they have sorted out and reconciled their differences and they have also filed a compromise deed in court which is signed by the parties. It is mentioned in the compromise deed, that the parties have arrived at a compromise with a view to live together with love and affection and to maintain peace, harmony and cordiality amongst their family members.

3. It is mentioned that the compromise has been arrived at without any threat, coercion or fraud, amongst the parties and this has been done with a view to protect their future interest and the interest of their children.

4. The learned counsels appearing for the parties submit that in view of the compromise and also in the interest of justice of the prosecution which has been initiated in pursuance of the FIR No. 91/95 be quashed.

5. The learned counsel for the petitioners has placed reliance on some of the judgments of the Supreme Court in which the court have encouraged compromise and reconciliation in similar matters.

6. In the case Mrs. Shakuntala Sawhney Vs . Mr. Kaushalya Sawhney and others. : [1979]3SCR639 , the court observed that the finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion. In the present case, Counsel today put in a joint statement signed by the parties setting down the terms on which they have agreed. We consider it a succeeds of the finer human spirit over its baser tendency for conflict.

7. It would be appropriate to recall certain portion from the autobiography of Mahatama Gandhi in which he laid great stress on reconciliation and compromise

in such matters by sorting out and settling their differences. I quote:-

'I had learnt the true practice of law. I had learnt to find out the better side of human nature and to enter man's hearts. I realised that the true function of a lawyer was to unite parties driven asunder. The lesson was so indelibly burnt into me that a large part of my time during the twenty years of my practice as a lawyer was occupied in bringing about private compromises of hundreds of cases. I lost nothing, thereby - not even money, certainly not my soul.'

8. The learned counsel has also placed reliance on Smt. Daggupati Jayalakshmi Vs . The State. . In this case, the Division Bench of the Andhra Pradesh High Court has observed that only in exceptional circumstances the High Court can permit compounding of non-compoundable offence under its inherent powers.

9. In another case which has been decided by this court, Vikram Tikoo v. State 1997 3 AD 969, the Court observed that no useful purpose would be served by continuing proceedings under sections 406/498-A of the Indian Penal Code, and the FIR was quashed in the interest of justice.

10. In another case R.S. Arora Vs . State and Another, : 57(1995)DLT525 , the court observed that exercising inherent powers under section 482 of the Code of Criminal Procedure, in disputes which emanate out of matrimonial differences, landlord-tenant matters or commercial transactions are to advance the course of justice. No useful purpose will be served after the parties have amicably settled their disputes, buried their past, want to live in a spirit of peace and harmony to relegate them before the police and the courts, that will be sheer abuse of the process of court and instead of securing justice would amount to perpetuating injustice to such parties who have compromised their matters. The Court also observed that it is true that the offences which are non-compoundable, in relation to quash-ing of such offences, the High Court has to act with great caution and circumspection but at the same time, even in non-compoundable offences, the inherent powers of the High Court under section 482 Cr. P.C. cannot be rendered nugatory or ineffective.

11. In another case Mahesh Chand and another Vs . State of Rajasthan, : 1988 CriLJ121 , in a case under Section 307 IPC, the court directed the trial court to permit the parties to compound the offence.

12. On consideration of the compromise between the parties and other peculiar facts and circumstances of this case, and in view of the spirit and ratio of the aforesaid judgments of the various courts of this country, in the interest of justice, I deem it appropriate to quash the FIR No. 91/95, under Section 452/323/506/34 IPC, Police Station Prasad Nagar, New Delhi, and the proceedings pending in the court of Shri R.P. Singh, Metro-politan Magistrate, Tis Hazari, Delhi, titled: State v. Chain Sukh and others.

13. This petition is allowed and disposed of accordingly.

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