

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

CRM No.M-10611 of 2015 (O&M)

Date of decision: 12.05.2015

Charanjit Singh & another

... Petitioners

Versus

State of Punjab & another

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Paras Talwar, Advocate for the petitioners.

Mr. Mikhail Kad, AAG, Punjab.

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TEJINDER SINGH DHINDSA, J. (ORAL).

The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.53 dated 20.02.2015 under Sections 420/467/468/471/120-B IPC registered at Police Station Division No.5, District Ludhiana.

Since quashing was sought on the basis of compromise, this Court while issuing notice of motion on 06.04.2015 had directed the parties to appear before the trial Court for recording of their statements and a report as regards veracity of the compromise was called for.

Placed on record is a report dated 29.04.2015 of the learned Additional Chief Judicial Magistrate, Ludhiana and a perusal thereof would reveal that statements of the complainant (respondent No.2) as also of the accused (petitioners herein) were duly recorded and it has been opined that a compromise has been effected voluntarily and without any pressure or coercion.

A Full Bench of this Court in ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*** has taken a view that in appropriate cases this Court in exercise of its powers under Section 482 Cr.P.C. can intervene and bring to an end the criminal prosecution in the light of compromise that may have been effected between the parties, even in relation to non compoundable offences.

Adverting back to the facts of the present case, the parties have amicably resolved the dispute which was essentially civil in nature and a conscious decision has been taken by the parties to bury the hatchet.

In the light of the compromise having been effected between the parties, it would be a futile exercise for the criminal proceedings to continue as such. It would be construed as an abuse of the process of law as also of the Court.

For the reasons recorded above, the present petition is allowed. FIR No.53 dated 20.02.2015 under Sections 420/467/468/471/120-B IPC registered at Police Station Division No.5, District Ludhiana and all proceedings emanating therefrom qua the present petitioners stand quashed.

Petition allowed in the aforesaid terms.

12.05.2015
harjeet

(TEJINDER SINGH DHINDSA)
JUDGE