

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-10949 of 2015 (O&M)

Date of Decision:-26.5.2015.

Harish Gupta

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Lalit Thakur, Advocate for the petitioner.

Mr. Mikhail Kad, AAG, Punjab.

Mr. Munish Jolly, Advocate
for the complainant/respondent No.3.

TEJINDER SINGH DHINDSA, J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.04 dated 03.01.2008 under Sections 336/427 IPC, registered at Police Station Haibowal, Ludhiana.

Since quashing was sought on the basis of compromise, this Court while issuing notice of motion on 22.04.2015, had directed the parties to appear before the trial Court/Illaq Magistrate concerned for recording of their statements and a report as regards veracity of the compromise was called for.

Placed on record is a report dated 07.05.2015 of the learned Judicial Magistrate 1st Class, Ludhiana and a perusal of the same would reveal that the statements of the complainant- Naresh Soni (respondent No.3 herein) as also accused (petitioner herein) have been duly recorded and it has been opined that the compromise entered into between the parties is without any pressure or coercion.

Even Mr. Munish Jolly, Advocate appearing for the complainant/respondent No.3 also submits in Court today that he would have no objection to the FIR being quashed on the basis of compromise.

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. 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. 04 dated 03.01.2008 under Sections 336/427 IPC, registered at Police Station Haibowal, Ludhiana. and all proceedings emanating therefrom qua the present petitioner stand quashed.

Petition allowed in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

26.5.2015

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