

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 11422 of 2015.
Date of Decision : 29.06.2015.

Harjinder Singh and others

...Petitioners

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Davinder Bir Singh, Advocate for the petitioners.
Mr. Mikhail Kad, Assistant Advocate General, Punjab.

Tejinder Singh Dhindsa, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 7, dated 14.01.2015, under Sections 353, 186, 379, 448, 294, 506, 34 IPC, registered at Police Station City Raikot, District Ludhiana Rural, on the basis of a compromise.

Since quashing of the FIR was sought on the basis of compromise, the following order was passed by this Court, while issuing notice of motion on 09.04.2015 :

"The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 7, dated 14.01.2015, under Sections 353/186/379/448/294/506/34 IPC, registered at Police Station City Raikot, District Ludhiana Rural on the basis of compromise dated 20.03.2015 at Annexure P-2, which as per counsel has been entered into between the parties.

Notice of motion, returnable for 29.06.2015.

In the meanwhile, parties are directed to appear before the trial Court/Illaq Magistrate concerned on 27.04.2015 for recording of their statements.

A report as regards veracity of the compromise be furnished to this Court on or before the adjourned date."

In spite of service having been effected, no appearance has been caused on behalf of the complainant/respondent No. 2, namely, Sohan Singh son of Ajaib Singh.

Be that as it may, placed on record is a report dated 04.05.2015 of the learned Judicial Magistrate Ist Class, Jagraon and a perusal of the same would reveal that the statements of the complainant, namely, Sohan Singh as also of the accused (the present petitioners), namely, Harjinder Singh, Rajinder Singh and Mandeep Singh have been duly recorded and it has been opined that a compromise has been effected between the parties 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, since the parties have resolved their dispute amicably, it would be a fit case for this Court to intervene in exercise of its powers under Section 482 Cr.P.C. to bring to an end the criminal prosecution initiated in the light of the impugned FIR.

Accordingly, the present petition is allowed. Impugned

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FIR No. 7, dated 14.01.2015, under Sections 353, 186, 379, 448, 294, 506, 34 IPC, registered at Police Station City Raikot, District Ludhiana Rural and all proceedings emanating therefrom stand quashed.

Petition allowed.

June 29, 2015.
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(TEJINDER SINGH DHINDSA)
JUDGE