

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-12450 of 2014.
Date of Decision : 07.04.2015.

Gaurav Dutta and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Ms. Rishma Verma, Advocate for the petitioners.

Mr. Mikhail Kad, Assistant Advocate General, Punjab.

None for the complainant/respondent No. 2.

Tejinder Singh Dhindsa, J.(Oral)

The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 93, dated 21.06.2009, under Sections 452, 506, 323, 34 IPC, registered at Police Station Division No. 5, Jalandhar, on the basis of compromise.

While issuing notice of motion on 21.04.2014, this Court had directed the parties to appear before the concerned Illaqua Magistrate for recording of their statements and a report with regard to veracity of the compromise was also called for.

In spite of service having been duly effected, none has appeared on behalf of the complainant/respondent No. 2 today.

However, placed on record is a report dated 13.06.2014 of the Judicial Magistrate Ist Class, Jalandhar and a perusal of the same would reveal that the statements of the complainant Pawan Kumar, eye witnesses as also of the accused, namely, Gaurav Dutta, Ravinder @ Bittu, Gurvinder Singh @ Nikki and Aman Nischal @ Tinku have been

recorded and it has been opined that a compromise has been effected between the parties without any coercion or pressure.

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, since a compromise has been effected between the parties and a decision has been taken to continue their lives in peace and harmony, 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 FIR No. 93, dated 21.06.2009, under Sections 452, 506, 323, 34 IPC, registered at Police Station Division No. 5, Jalandhar and all proceedings emanating therefrom stand quashed.

Petition allowed.

April 07, 2015.
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(TEJINDER SINGH DHINDSA)
JUDGE