

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-1261 of 2015

Date of decision: May 01, 2015

Jaswinder Singh alias Batti and others

.. Petitioners

Vs.

State of Punjab and another

.. Respondents

Coram: Hon'ble Mr. Justice Surinder Gupta

Present: Mr. Sandeep Arora, Advocate for the petitioners.
Mr. Amritpal Singh Gill, AAG, Punjab.

Surinder Gupta, J

The petitioners have filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of the FIR No.192 dated 30.10.2012 (Annexure P-1), registered for offence punishable under Sections 324, 323, 506, 148, 149 IPC at Police Station Adampur, District Jalandhar, on the basis of the compromise (Annexure P-2).

As per case of the prosecution, occurrence took place on 29.10.2012 at about 7.15 p.m. The complainant Rajbir Singh in his statement to the police reported that the petitioner entered his house and caused injuries to him. After investigation, petitioners were challaned and charge-sheeted.

Upon notice, Mr. Amritpal Singh Gill, Assistant Advocate General, Punjab has put in appearance on behalf of respondent No.1-State.

I have heard learned counsel for the parties and perused the case file.

As per petitioner, a compromise dated 23.12.2014 was effected between the parties with the intervention of respectables and Panchayat, under which the respondent No.2 agreed to seek quashing of the FIR in question.

The parties were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 24.4.2015 stating therein that the compromise has been effected in between the complainant and the accused which appears to be voluntary in nature

and without any pressure or influence.

The only obstacle in the way of accepting the compromise for quashing the impugned FIR is that the offence under Section 324 IPC is not compoundable. In case ***Kulwinder Singh vs. State of Punjab, 2007 (3) RCR (Crl.) 1052***, Full Bench of this Court has held that the FIR can be quashed on the basis of the compromise by exercising inherent powers under Section 482 Cr.P.C. even if the offence is not compoundable.

The petitioners as well as respondent No.2 are the residents of same village. It has been alleged that the compromise has been effected with the intervention of the respectables and Panchyat and now the parties wish to live in peace and harmony.

Keeping all the above facts in view, I am of the considered opinion that it is a fit case in which the impugned FIR should be quashed. Keeping the case pending will not serve the ends of justice. The quashing of the FIR will provide the parties opportunity to live in an amicable, peaceful and harmonious atmosphere which is not only in the interest of the parties to this petition but also for their families and ultimately the society at large. The offence in this case is not so heinous or serious that it cannot be settled by the parties through compromise.

In view of the above discussion, the instant petition is allowed and the impugned FIR (Annexure P-1) along with all consequential proceedings arising therefrom is quashed.

May 01, 2015
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(Surinder Gupta)
Judge