

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-12749 of 2014 (O&M)
Date of Decision: 20.4.2015

Harbhajan Kaur & another

--Petitioners

Versus

State of Punjab and another

--Respondents

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

Present:- Mr. Liaqat Ali, Advocate for the petitioners.

Mr. Mikhail Kad, A.A.G., Punjab.

Mr. Chandan Deep Singh, Advocate for respondent no.2.

TEJINDER SINGH DHINDSA.J

The instant petition has been filed under Section 482 Cr.P.C for quashing of F.I.R. No.243 dated 13.12.2013 under Sections 406, 420, 34 I.P.C registered at Police Station, Division No.7 (Vardhman), District Ludhiana, on the basis of compromise.

This Court had directed the parties to appear before the Trial Court for recording of their statements and a report with regard to veracity of the compromise had been called for.

Placed on record is a report dated 10.3.2015 of the J.M.I.C., Ludhiana and a perusal thereof would reveal that the statements of the accused namely Harbhajan Kaur wife of Sukhwinder Singh and Jaswinder Singh @ Jassi (present petitioners herein) as also complainant namely Harpreet Singh son of Inder Singh have been recorded and it has been opined that a compromise has been effected between the parties amicably and without any threat, coercion or pressure.

Even learned counsel appearing for respondent no.2 also makes a statement that in the light of compromise effected, he would have no objection as regards the impugned F.I.R being quashed.

A Full Bench of this Court in case of *Kulwinder Singh and others Vs. State of Punjab and another, 2007 (3) R.C.R (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 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 the dispute between the parties, which was essentially civil in nature has been amicably settled and a compromise has been effected between the parties, continuation of criminal prosecution would be seen as an abuse of the process of law as also of the Court.

In an overview of the matter, this Court is of the considered view that the compromise between the parties is to be acted upon. Accordingly, present petition is allowed. F.I.R. No.243 dated 13.12.2013 under Sections 406, 420, 34 I.P.C registered at Police Station, Division No.7 (Vardhman), District Ludhiana and all proceedings emanating therefrom, stand quashed.

Petition is allowed in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

April 20, 2015
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