

BHUMIKA BHATI
2015.07.13 16:19

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM No.M-13846 of 2015 (O&M)

Date of Decision: 09.07.2015

Jaswant Singh @ Jassa and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Rajiv Joshi, Advocate
for the petitioners.

Mr. Mikhail Kad, AAG, Punjab.

TEJINDER SINGH DHINDSA, J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.92 dated 26.11.2009 under Sections 323/341/506/34 IPC, registered at Police Station Bilga, District Jalandhar.

Since quashing was sought on the basis of compromise, this Court on 30.04.2015 had directed the parties to appear before the Illaqa 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 25.05.2015 of the learned Judicial Magistrate 1st Class, Phillaur and a perusal thereof would reveal that the statements of the complainant-Navdeep Joshi (respondent No.2 herein) as also accused, Jaswant Singh @ Jassa, Pervez Mohammad and Arsh (petitioners herein) have been duly recorded and it has been opined that compromise that has been effected between the parties is without any pressure or coercion. Even the statements of the parties that have been recorded stand appended along with the report.

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 and a conscious decision has been taken by them to live in peace and harmony.

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.92 dated 26.11.2009 under Sections 323/341/506/34 IPC, registered at Police Station Bilga, District Jalandhar and all proceedings emanating therefrom stand quashed.

Petition allowed in the aforesaid terms.

09.07.2015
Bhumika

(TEJINDER SINGH DHINDSA)
JUDGE