

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-15375 of 2015 (O&M)
Date of Decision: 20.07.2015

Pardeep Singh & others

--Petitioners

Versus

State of Punjab & another

--Respondents

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

Present:- Mr. Aminder Singh, Advocate for the petitioners.

Mr. Nikhil K. Chopra, D.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

The instant petition has been filed under Section 482 Cr.P.C for quashing of F.I.R. No.129 dated 7.11.2014 under Sections 323, 324, 325, 336, 34 I.P.C and section 25 of Arms Act, registered at Police Station, Longowal, District Sangrur, on the basis of compromise.

Since quashing of F.I.R was sought on the basis of compromise, this Court while issuing notice of motion on 12.5.2015 had directed the parties to appear before the Illaqa Magistrate concerned for recording of their statements in support of the compromise and a report had been called for.

Placed on record is a report dated 1.7.2015 of the learned J.M.I.C., Sangrur and a perusal thereof would reveal that the statements of complainant/respondent no.2 namely Sandeep Kumar as also accused i.e. the present petitioners were duly recorded on 8.6.2015 and it has been opined that the compromise has been entered into voluntarily and without any pressure or coercion.

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 a 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 they have taken a conscious decision to continue with their lives in peace and harmony, 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.129 dated 7.11.2014 under Sections 323, 324, 325, 336, 34 I.P.C and section 25 of Arms Act, registered at Police Station, Longowal, District Sangrur qua the present petitioners and all proceedings emanating therefrom, stand quashed.

Petition is allowed in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

20.07.2015

lucky