

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

CRM No.M-16489 of 2015 (O&M)

Date of decision:07.08.2015

Munish Sharma & another

... Petitioners

Versus

State of Punjab & another

... Respondents

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

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

Mr. Mikhail Kad, AAG, Punjab.

Ms. Jasneet Kaur Mehra, Advocate for respondent No.2.

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TEJINDER SINGH DHINDSA, J. (ORAL).

The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.54 dated 21.03.2013 under Sections 452/324/323/427/34 IPC, registered at Police Station Division No.4, Jalandhar, District Jalandhar on the basis of compromise.

Since quashing was sought on the basis of compromise, this Court on 19.05.2015 had directed the parties to appear before the Illaqa Magistrate/Duty 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 06.06.2015 of the learned Chief Judicial Magistrate, Jalandhar and a perusal thereof would reveal that the statements of the parties have been duly recorded and it has been opined that compromise that has been effected between the parties is without any pressure or coercion.

Counsel appearing for the complainant/respondent No.2 also submits in Court today that she would have no objection to the FIR being quashed on the basis of compromise.

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 the parties to bury the hatchet.

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.54 dated 21.03.2013 under Sections 452/324/323/427/34 IPC, registered at Police Station Division No.4, Jalandhar, District Jalandhar and all proceedings emanating therefrom qua the present petitioners stand quashed.

Petition allowed in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

07.08.2015
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