

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-16761 of 2014

DATE OF DECISION: 24.02.2015

Raspal Singh @ Bikramjit Singh @ Bikka @ Micky JatPetitioners
and others

Versus

State of Punjab and anotherRespondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspaper may be allowed to see judgment?**
- 2. To be referred to reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present:- Mr. KBS Mann, Advocate
for the petitioners.

Mr. Parupkar Singh Ghuman, Addl. A.G., Punjab.

None for respondent No.2.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 482 Cr.P.C. on behalf of petitioners, namely, Raspal Singh @ Bikramjit Singh @ Bikka @ Micky Jat, Sukhpreet Singh @ Sukha, Rohit Sabharwal @ Mani and Kamaldeep Singh @ Pata for quashing of FIR No. 275 dated 20.10.2013 registered under Sections 323,452,307,324,364,148,149,506 IPC at Police Station Phase-I, District SAS Nagar, Mohali, on the basis of compromise.

Learned counsel for the petitioners contends that the dispute between the parties has been settled by way of compromise and complainant has no objection in quashing of the FIR and other proceedings

arising therefrom. Only one injury caused to complainant-respondent No.2 has been declared grievous in nature and others are simple in nature. Learned counsel further contends that now with the intervention of the respectables of the locality, a compromise has been arrived at between the parties and complainant has given an affidavit in this regard, wherein, it has been stated that he has no objection in quashing of the FIR and other proceedings. Learned counsel also submits that challan in the case has not been submitted so far.

Notice of motion was issued in this case on 16.5.2014 and vide order dated 22.8.2014, both the parties were directed to appear before the Illaqa Magistrate for recording of their statements with regard to compromise. The Illaqa Magistrate was also directed to submit its report before this Court regarding genuineness/validity of the compromise.

In response to the directions issued by this Court, a report has been received from the Illaqa Magistrate, which is on record. It has been mentioned in the report that the parties were present in the Court and their statements have been recorded, wherein, they have stated that they have voluntarily entered into the compromise out of their free will and without any undue influence, coercion, inducement, threat or promise and they have no objection in quashing of the aforesaid FIR. The complainant has stated in his statement that he has no objection in quashing of the FIR and has voluntarily entered into a compromise with the accused without any pressure from any quarter.

As per ratio of Larger Bench judgment of this Court in ***Kulwinder Singh and others vs State of Punjab and others, reported as 2007(3) RCR (Criminal) 1052***, the High Court has the wide power to quash the proceedings even in non-compoundable offences, notwithstanding the bar under Section 320 of the Criminal Procedure Code

in order to prevent abuse of the process of any Court or to secure the ends of justice.

In the present case also, the parties have settled their dispute and complainant has no objection in quashing of the FIR and other proceedings. Accordingly, this petition is allowed and impugned criminal proceedings arising out of FIR No. 275 dated 20.10.2013 registered under Sections 323,452,307,324,364,148,149,506 IPC at Police Station Phase-I, District SAS Nagar, Mohali along with all subsequent proceedings arising therefrom qua petitioners, namely, Raspal Singh @ Bikramjit Singh @ Bikka @ Micky Jat, Sukhpreet Singh @ Sukha, Rohit Sabharwal @ Mani and Kamaldeep Singh @ Pata are hereby quashed.

February 24, 2015
pooja

(DAYA CHAUDHARY)
JUDGE