

BHUMIKA BHATI
2015.07.13 16:20

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

CRM No.M-1879 of 2014 (O&M)

Date of decision: 09.07.2015

Moonpreet Singh and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Manoj Dhiman, Advocate for
Mr. Vishal Aggarwal, Advocate
for the petitioners.

Mr. Mikhail Kad, AAG, Punjab.

Mr. Rajesh Dhiman, Advocate
for respondents No.2 and 3.

TEJINDER SINGH DHINDSA, J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C.
for quashing of FIR No.102 dated 11.08.2012 under Sections
452/379/323/324/326/148/149 IPC, registered at Police Station Sarabha
Nagar, Ludhiana, District Ludhiana.

Since quashing was sought on the basis of compromise, this
Court on 22.04.2014 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 29.05.2014 of the learned
Chief Judicial Magistrate, Ludhiana and a perusal thereof would reveal that
the statements of the complainant-Roshan Singh, Sumit Kumar and Jasmail
Kaur (injured) as also accused Moonpreet Singh and Khushpreet Singh 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.

Counsel appearing for the complainant/respondents also submits in Court today that he 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.102 dated 11.08.2012 under Sections 452/379/323/324/326/148/149 IPC, registered at Police Station Sarabha Nagar, Ludhiana District Ludhiana and all proceedings emanating therefrom stand quashed.

Petition allowed in the aforesaid terms.

09.07.2015
Bhumika

(TEJINDER SINGH DHINDSA)
JUDGE