

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-1959 of 2015 (O&M)

Date of Decision: 31.3.2015

Narinder Kainthal

--Petitioner

Versus

State of Punjab and another

--Respondents

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

Present:- Mr. L.S. Mann, Advocate for the petitioner.

Mr. Mikhail Kad, A.A.G., Punjab.

Mr. K.S. Bal, Advocate for respondent no.2.

TEJINDER SINGH DHINDSA.J

The instant petition has been filed under Section 482 Cr.P.C for quashing of F.I.R. No.150 dated 25.8.2014 under Sections 379, 411 I.P.C registered at Police Station, New Baradari, Jalandhar, on the basis of compromise.

On 21.1.2015, while issuing notice of motion, this Court had directed the parties to appear before the Trial Court/Illaq Magistrate for recording of their statements in support of the compromise and a report had been called for.

Placed on record is a report dated 21.2.2015 of the Civil Judge (Jr. Divn.)-cum-J.M.I.C., Jalandhar and a perusal thereof would reveal that the statements of complainant namely Jagdev Singh as also accused i.e. The present petitioner Narinder Kainthal were duly recorded on 19.2.2015 and it has been opined that the compromise has been entered into voluntarily and without any pressure or coercion.

Learned counsel appearing for respondent no.2 also makes a statement at the bar that in view of the compromise having been effected, he would have no objection as regards the impugned F.I.R being quashed.

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 any compromise that may have been effected 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, continuation of criminal prosecution would be seen as an abuse of the process of law as also of the Court.

Furthermore, learned counsel appearing for the petitioner has apprised the Court that the compromise was effected at the very initial stage and during the course of investigation itself.

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.150 dated 25.8.2014 under Sections 379, 411 I.P.C registered at Police Station, New Baradari, Jalandhar and all proceedings emanating therefrom, stand quashed.

Petition is allowed in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

March 31, 2015
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