

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

CRM-M-20733-2015

Date of Decision: August 10, 2015.

KARTAR SINGH @ IKATAR SINGH AND ORS

.....PETITIONER

VERSUS

STATE OF PUNJAB& ANOTHER

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE M.M.S.BEDI

Present: Mr.Siddharth Gupta,Advocate
for the petitioners

Mr.Jashan Preet Singh,AAG, Punjab

M.M.S.BEDI, J.(Oral)

This is a petition for quashing of FIR No.2 dated 08.01.2015 registered at police Station Sadar Rampura, District Bathinda under Sections 323,452,34 and 506 IPC, on the basis of compromise. This FIR was registered at the instance of Joginder Kaur respondent No.2 alleging that the petitioners on 07.01.2015 had entered the house of complainant asking for whereabouts of Gurmail Singh armed with sticks and on being stopped stick blow was given and push was given to the complainant. One of the accused had given leg blow. Thereafter the petitioners escaped.

On instructions from ASI Chaman Lal, it has been informed that petitioners have been charged for offenses under Sections 452, 323 and 506 of IPC.

A perusal of the allegations indicate that there are no specific allegations of criminal intimidation. Even if it is presumed that the victim had been criminally intimidated, the offence would fall in part I, which warrants imprisonment for two years. For offence under Section 323 IPC punishment prescribed is upto one year imprisonment.

In view of the said circumstances, it is a case which would fall under Section 451 IPC as the offence of trespassing alleged to have been prima facie committed in order to commit an offence which is punishable with imprisonment for a period which may extend up to two years.

Irrespective of the fact that charge has been framed now, I am of the considered opinion that offences are compoundable as prima facie offences under Section 451 and 323 IPC are made out. Taking into consideration the said position, it is ordered that in case the complainant makes a statement before the trial Court that the matter has been compromised, the trial Court shall permit the compounding of the offences, in the interest of justice. It is ordered that petitioners will deposit a costs of Rs.10,000/- with the trial Court and the Court shall release the said amount to the complainant and permit the compounding of the offence.

August 10, 2015.
TSG

(M.M.S.BEDI)
JUDGE