

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-22398 of 2015

DATE OF DECISION: 01.09.2015

Gurdeep Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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. Abhishek Arora, Advocate
for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab.

Mr. Aayush Arora, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 180 dated 25.8.2011 registered under Sections 279,337,427 IPC at Police Station Kotwali Bathinda, District Bathinda, on the basis of compromise.

Learned counsel for the petitioner contends that the matter has been compromised between the parties during pendency of the proceedings and the complainant has no objection in quashing of the FIR and other proceedings arising therefrom. Learned counsel further contends that the petitioner is neither proclaimed offender nor involved in any other

case.

Learned counsel for respondent No.2 has affirmed the factum of compromise between the parties and submits that the complainant has no objection in quashing of the FIR and other proceedings arising therefrom.

Heard the arguments advanced by learned counsel for the parties and have also gone through the documents available on the file.

The aforesaid FIR was registered against the petitioner and thereafter challan was presented by the police and the case is pending trial. Now with the intervention of the respectables, the dispute between the parties has been settled and the present petition has been filed for quashing of the FIR on the basis of compromise.

Notice of motion was issued on 14.7.2015 and the parties were directed to appear before the trial court for recording of their statements with regard to compromise. In response thereto, statements of the parties were recorded, wherein, the factum of compromise has been affirmed. A report in this regard along with statements of the parties has been sent by JMIC, Bathinda, wherein, it has been stated that the parties were present and their statements were recorded. The complainant has specifically stated in her statement that she has no objection in quashing of the FIR and other proceedings qua the petitioner. As per report, the compromise arrived between the parties appears to be genuine and entered into voluntarily, without any pressure or undue influence.

Since the dispute between the parties has been settled by way of compromise and the complainant has no objection in quashing of the FIR and other proceedings arising therefrom, no purpose would be served in case the proceedings are continued in future as the complainant is not going to support the case of the prosecution and as such continuation of

the proceedings would be futile in exercise. Moreover, this Court has inherent powers under Section 482 Cr.P.C. for quashing of the proceedings even in case of non-compoundable offence and the compromise effected is in the interest of the parties or to meet out ends of justice.

Accordingly, the present petition is allowed and FIR No. 180 dated 25.8.2011 registered under Sections 279,337,427 IPC at Police Station Kotwali Bathinda, District Bathinda qua to petitioner, namely, Gurdeep Singh and other proceedings arising therefrom are quashed.

September 01, 2015
pooja

(DAYA CHAUDHARY)
JUDGE