

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

CRM-M-29991 of 2008 (O&M)

Date of Decision: 29.05.2015

Harpal Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Tarun Singla, Advocate, for
Mr. R.K. Singla, Advocate,
for the petitioner.

Mr. Rakesh Verma, Sr. D.A.G., Punjab,
for respondent No. 1-State.

Mr. Ashok Kumar Khunger, Advocate,
for respondent No. 2.

Mr. H.S. Deol, Advocate,
for respondent No. 3.

SABINA, J.

Petitioner has filed this petition under Section 482, of the Code of Criminal Procedure, 1973, (for short 'Cr.P.C.') for quashing of FIR No. 68 dated 04.06.2004, registered at Police Station Solem Tabri, District Ludhiana, under Sections 420, 468 and 471 of the Indian Penal Code, 1860, (for short 'IPC'), on the basis of compromise.

Petition was allowed by this Court, vide order dated 19.01.2009. Thereafter, respondent No. 3 moved an application for recalling the order dated 19.01.2009, on the ground that he had not been impleaded as a party and he denied the factum of compromise

between the parties.

Vide order dated 01.08.2011, order passed by this Court on 19.01.2009 was recalled. During the pendency of the petition, the case was sent to Mediation and Conciliation Centre. Now before the Mediation and Conciliation Centre, parties have amicably settled their dispute.

Learned counsel for respondents No. 2 and 3 have submitted that since the parties have amicably settled their dispute, respondents No. 2 and 3 have no objection, if the FIR in question was ordered to be quashed.

As per the Full Bench judgment of this Court in **Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052**, High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court felt that the same was required to prevent the abuse of the process of any Court or to otherwise secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

In view of the submissions made by learned counsel for respondents No. 2 and 3, this petition is allowed. FIR No. 68 dated 04.06.2004, under Sections 420, 468 and 471, IPC, registered at Police Station Salem Tabri, District Ludhiana and all the subsequent proceedings arising therefrom, are quashed.

May 29, 2015
nitin

(SABINA)
JUDGE