

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-2247 of 2015.
Date of Decision : 03.03.2015.

Jagdish Kumar and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Manoj Kumar, Advocate for the petitioners.

Mr. Mikhail Kad, Assistant Advocate General, Punjab.

Mr. Rajesh Kumar, Advocate for the complainant/
respondent No. 2.

Tejinder Singh Dhindsa, J.(Oral)

The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 7 dated 09.01.2015, under Sections 406, 420 and 120-B of IPC, registered at Police Station Dera Bassi, District SAS Nagar, Mohali, on the basis of compromise dated 13.01.2015 (Annexure P-2) which as per counsel had been entered into between the parties.

On 21.01.2015, while issuing notice of motion, parties had been directed to appear in the Court of Sub Divisional Judicial Magistrate, Dera Bassi for recording of their statements and a report with regard to veracity of the compromise had been called for.

In pursuance to the order dated 21.01.2015, a report dated 02.03.2015 of the Sub Divisional Judicial Magistrate, Dera Bassi has been placed on record along with the statements of the

parties which have been duly recorded. In terms of such report, the parties have amicably resolved the matter and a compromise has been entered into with their free consent.

Even counsel appearing for the complainant/respondent No. 2 would make a statement that the dispute which was essentially civil in nature, has since been resolved and the requisite payments have already been received by the complainant from the accused/petitioners.

A Full Bench decision of this Court in *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052* has taken a view that this Court would have the powers under Section 482 Cr.P.C. to bring to an end the criminal proceedings initiated in the light of registration of FIR even with regard to such offences which are non-compoundable.

Concededly the parties herein have taken a conscious decision to amicably resolve their dispute. Under such circumstances, the proceedings if permitted to be continue, 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. Impugned FIR No. 7 dated 09.01.2015, under Sections 406, 420 and 120-B of IPC, registered at Police Station Dera Bassi, District SAS Nagar, Mohali and all proceedings emanating therefrom stand quashed.

Petition allowed.

March 03, 2015.

(TEJINDER SINGH DHINDSA)
JUDGE