

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

Crl. Misc. No.M-22836 of 2014

Date of Decision: 10.02.2015

Jatinder Pal Singh @ Mangu and others

....Petitioners

Versus

State of Punjab and another

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Vivek Salathia, Advocate
for Mr. M.S. Bedi, Advocate
for the petitioners.
Mr. T.N. Sarup, Addl. A.G., Punjab
for the respondent-State.
Mr. Sachin Sharma, Advocate
for Mr. Gurpreet Singh, Advocate
for respondent No.2.

DAYA CHAUDHARY, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.88 dated 13.05.2014 registered under Sections 323, 506 read with Section 34 IPC at Police Station Division No.5, Civil Lines, Ludhiana City on the basis of compromise.

As per allegations in the FIR, father of the complainant took ₹ 90,000/- on credit from petitioner No.1 with an agreement to repay the same in instalments. Petitioner no.2, who is son of petitioner No.1, went to respondent No.2 for taking amount of instalment but less amount was paid. Some dispute arose between the complainant and petitioner No.2 and the FIR was registered against the petitioners. After some time, good sense prevailed upon the petitioners and private respondents and the dispute between them has been settled by way of compromise. An affidavit was also given by the complainant stating therein that he has no objection in quashing of the FIR as well as other proceedings arising therefrom.

As per directions issued by this Court on 31.10.2014, the statements of the parties were recorded, wherein, the factum of compromise has been affirmed. Complainant-respondent No.2- Jatinder Kumar has stated in his statement that he has no objection in quashing of FIR as now no grudge is there against the accused persons. It has also come in the report sent by Additional Chief Judicial Magistrate, Ludhiana that no other criminal case is pending against the parties and the petitioners are not proclaimed offenders. The compromise arrived at between the parties is as per their free will and without any pressure from either side.

Since the dispute between the parties has been settled by way of compromise and the complainant has no objection in quashing of FIR registered against the petitioners and as per ratio of law laid down by a larger Bench of this Court in case **Kulwinder Singh vs State of Punjab 2007(3) RCR Criminal 1052**, the Court has power to quash the criminal proceedings even in case of non-compoundable offences, in case, the compromise is there between the parties and moreover, no purpose would be served, in case, the proceedings are allowed to continue in future as the complainant is not going to support the case of the prosecution and continuation of proceedings in future would be futile in exercise.

Accordingly, the present petition is allowed and FIR No.88 dated 13.05.2014 registered under Sections 323, 506 read with Section 34 IPC at Police Station Division No.5, Civil Lines, Ludhiana City along with all consequential proceedings arising therefrom, qua petitioners Jatinder Pal Singh @ Mangu, Ishantpreet Singh @ Ishu and Manavjit Singh are hereby quashed.

(DAYA CHAUDHARY)
JUDGE

10.02.2015