

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-23417 of 2014

DATE OF DECISION: 09.02.2015

Pritam Singh and others

.....Petitioners

Versus

State of Punjab and others

.....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. Manish Prabhaker, Advocate
for the petitioners.

Mr. T.N. Sarup, Addl. A.G., Punjab.

Mr. Vikas Kumar, Advocate
for respondents No.2 to 4.

DAYA CHAUDHARY, J.

The present petition under Section 482 Cr.P.C. has been filed by petitioners, namely, Pritam Singh, Jaspal Singh, Gurinder Singh @ Mintu, Vikramjit Singh @ Vicky and Jatinder Singh for quashing of FIR No. 137 dated 15.10.2013 registered under Sections 452/323/324/326/148/149 IPC at Police Station Lopoke, Police District Amritsar Rural, on the basis of compromise.

Learned counsel for the petitioners contends that the matter has been compromised between the parties and complainant has no objection in quashing of the FIR and other proceedings arising therefrom.

Learned counsel further contends that the compromise has been arrived at between the parties in presence of respectables and same is without any pressure from either side.

Complainant-respondent No.2 has filed his affidavit stating therein that he has no objection in quashing of the FIR and other proceedings. Similarly, respondents No.3 and 4, who are also affected persons, have filed their separate affidavits stating therein that they do not want to pursue the matter against the petitioners.

Notice of motion was issued on 15.7.2014 and vide order dated 28.10.2014, both the parties were directed to appear before the trial Court for recording of their statements. The trial Court was also directed to submit its report before this Court regarding genuineness/validity of the compromise.

In response to the directions issued by this Court, a report has been received from the trial Court, which is on record. It has been mentioned in the report that the parties were present in the Court and their statements have been recorded, wherein, they have stated that they have voluntarily entered into the compromise out of their free will and without any undue influence and coercion. It has also been mentioned in the report that complainant as well as other affected persons who are party in the case have also stated that they have no objection in quashing of the FIR and other proceedings. It has further been mentioned in the report that no PO proceedings are pending against any of the accused person and there is no criminal case pending against them.

In view of the compromise arrived at between the parties and also the fact that the complainant has no objection in quashing of the FIR and other proceedings, no purpose would be served in case the proceedings are continued in future as complainant is not going to support

the case of the prosecution and it would be futile exercise and will be wastage of time of the Court. Moreover, In ***Kulwinder Singh and others vs State of Punjab and others, reported as 2007(3) RCR (Criminal) 1052***, the Larger Bench of our own High Court has held that the proceedings can be quashed on the basis of compromise even in case of offences, which are non-compoundable by exercising powers under Section 482 Cr.P.C. and after considering the statements with regard to compromise.

Accordingly, this petition is allowed and impugned criminal proceedings arising out of FIR No. 137 dated 15.10.2013 registered under Sections 452/323/324/326/148/149 IPC at Police Station Lopoke, Police District Amritsar Rural along with all subsequent proceedings arising therefrom qua petitioners, namely, Pritam Singh, Jaspal Singh, Gurinder Singh @ Mintu, Vikramjit Singh @ Vicky and Jatinder Singh are quashed.

February 09, 2015
pooja

(DAYA CHAUDHARY)
JUDGE