

***IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH***

***CRM No.M-24021 of 2014 (O&M)
Date of decision: 23.07.2015***

Balbir Singh & another

... Petitioners

Versus

State of Punjab & another

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. S.S. Brar, Advocate for the petitioners.

Mr. Mikhail Kad, AAG, Punjab.

Mr. N.K. Setia, Advocate for respondent No.2/complainant.

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TEJINDER SINGH DHINDSA, J. (ORAL).

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.11 dated 11.01.2014 under Sections 307/148/149 IPC, registered at Police Station Maqsudan, District Jalandhar.

Since quashing was sought on the basis of compromise, this Court while issuing notice of motion on 26.03.2015 had directed the parties to appear before the trial Court for recording of their statements and a report as regards veracity of the compromise was called for.

Placed on record is a report dated 14.05.2015 of the learned Judicial Magistrate 1st Class, Jalandhar and a perusal thereof would reveal that the statements of the complainant, Davinder Kaur and accused Tejinder Singh and Balbir Singh (present petitioners herein) have been duly recorded and it has been opined that compromise that has been effected between the parties is without any pressure or coercion. Even the statements of the parties that have been recorded stand appended along with the report.

It would be apposite to take note that as per FIR, there were 9

accused in all but during the stage of investigation, 6 were found to be innocent and challan was presented only against 2 accused i.e. the present petitioners. Insofar as Rakesh Kumar, no proceedings were initiated and nor was he arrested as his address could not be verified.

Counsel appearing for the petitioners would submit that even though offence under Section 307 IPC has been cited still it would be open for this Court to intervene in exercise of its powers under Section 482 Cr.P.C. as per the guidelines furnished by the Hon'ble Supreme Court in **Narinder Singh & others V. State of Punjab & another, 2014 (2) RCR (Criminal) 482** as the compromise has been effected at the very initial stage itself inasmuch as even though challan has been presented but the charges have not been framed.

Keeping in view the fact that the parties have taken a conscious decision to bury the hatchet and continue to live in peace and harmony, it would be a fit case for this Court to bring to an end the criminal prosecution launched on account of the impugned FIR.

Mr. N.K. Setia, Advocate appearing for the complainant makes a statement that he would have no objection to the quashing of the impugned FIR.

In view of the above, the present petition is allowed. FIR No.11 dated 11.01.2014 under Sections 307/148/149 IPC, registered at Police Station Maqsudan, District Jalandhar and all proceedings emanating therefrom qua the present petitioners stand quashed.

Petition allowed in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

23.07.2015