

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CrI. Misc. No. M-29207 of 2014 (O&M)

Date of decision: July 07, 2015

Kewal Singh and another

.. Petitioners

Vs.

State of Punjab and another

.. Respondents

Coram: Hon'ble Mr. Justice Surinder Gupta

Present: Mr. Deepak Verma, Advocate
for the petitioner.
Mr. Amritpal Singh Gill, AAG, Punjab.
Mr. Shubhashish Kukreti, Advocate
for respondent No.2.

Surinder Gupta, J

The petitioners have filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of the FIR No.105 dated 16.7.2011 (Annexure P-2), registered for offence punishable under Sections 323/324/34 IPC at Police Station Garshankar, District Hoshiarpur, on the basis of the compromise (Annexure P-1).

As per case of the prosecution, on 14.7.2011 at about 7.30 a.m. the complainant was returning from his fields and was crossing in front of the house of Dalvir Singh near the house of complainant, the petitioner armed with deadly weapons stopped and inflicted grievous injuries on him.

Upon notice, Mr. Amritpal Singh Gill, Assistant Advocate General, Punjab has put in appearance on behalf of respondent No.1-State and Mr. Shubhashish Kukreti, Advocate has put in appearance on behalf of respondent No.2-complainant.

I have heard learned counsel for the parties and perused the case file.

Vide order dated 17.11.2014, the parties were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 22.12.2014 stating therein that the compromise has been effected between the complainant and the accused which appears to be voluntary in nature and without any pressure or influence.

Learned counsel for the respondent No.2-complainant has submitted that in view of the compromise (Annexure P/1), the private respondent (complainant) has no objection if the impugned FIR (Annexure P/2) is quashed . Learned State counsel has also not disputed the compromise (Annexure P/1).

The only obstacle in the way of accepting the compromise for quashing the impugned FIR is that the offence under Section 324 IPC is not compoundable. In case *Kulwinder Singh vs. State of Punjab, 2007 (3) RCR (Crl.) 1052*, Full Bench of this Court has held that the FIR can be quashed on the basis of the compromise by exercising inherent powers under Section 482 Cr.P.C. even if the offence is not compoundable.

In the instant case, the compromise has been effected with the intervention of the respectables and now the parties wish to live in peace and harmony.

Keeping all the above facts in view, I am of the considered opinion that it is a fit case in which the impugned FIR should be quashed. Keeping the case pending will not serve the ends of justice. The quashing of the FIR will provide the parties opportunity to live in an amicable, peaceful and harmonious atmosphere which is not only in the interest of the parties to this petition but also for their families and ultimately the society at large. The offence in this case is not so heinous or serious that it cannot be settled by the parties through compromise.

In view of the above discussion, the instant petition is allowed and the impugned FIR (Annexure P-2) along with all consequential proceedings arising therefrom is quashed.

July 07, 2015
deepak

(Surinder Gupta)
Judge