

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. Crl. Misc. No. M-30062 of 2015

Mohammad Usman and othersPetitioners

Versus

State of Punjab and othersRespondents

2. Crl. Misc. No. M-30103 of 2015

Mohammad Shahid and othersPetitioners

Versus

State of Punjab and othersRespondents

DATE OF DECISION: 28.10.2015

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspaper may be allowed to see judgment? (Yes/No)**
2. **To be referred to reporters or not? (Yes/No)**
3. **Whether the judgment should be reported in the Digest? (Yes/No)**

Present:- Mr. Saqib Ali Khan, Advocate
for the petitioners in Crl. Misc. No. M-30062 of 2015
and for respondents No.2 and 3 in Crl. Misc. No. M-30103 of 2015.

Mrs. Ritu Punj, Addl. A.G., Punjab.

Mr. Talvinder Singh, Advocate
for the petitioners in Crl. Misc. No. M-30103 of 2015 and
for respondents No.2 to 4 in Crl. Misc. No. M-30062 of 2015.

DAYA CHAUDHARY, J.

This order of mine shall dispose of two petitions bearing Crl.

Misc. Nos. M-30062 and 30103 of 2015. For the sake of convenience,

facts have been extracted from Crl. Misc. No. M-30062 of 2015.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 46 dated 7.6.2015 registered under Sections 307,323,450,506,148,149 IPC at Police Station City Malerkotla, District Sangrur, on the basis of compromise.

While issuing notice of motion on 7.9.2015, both the parties were directed to appear before the trial Court for recording of their statements. The trial Court was also directed to send the report as to whether the compromise effected between the parties is without any pressure from either side or the same is as per their free will.

In compliance of the directions issued by this Court, the parties have appeared before the trial Court and their statements with regard to compromise were recorded. A report in this regard has also been received, wherein, it has been mentioned that the compromise effected between the parties is genuine and as per free will of the parties. Even in the statements made by the petitioners, complainant as well as injured, the factum of compromise has been affirmed. Complainant and injured have specifically stated in their statements that they do not want to pursue with this matter and the compromise has been effected as per their free will and without any coercion or duress. They have also stated that they have no objection in quashing of the FIR in dispute.

Admittedly, the parties have arrived at a compromise during pendency of the investigation and the complainant and injured have no objection in quashing of the FIR and other proceedings arising therefrom. This Court has inherent power under Section 482 Cr.P.C. for quashing of the proceedings even in non-compoundable offence. The purpose of the compromise is to maintain peace and harmony in the relations and not for some ulterior motive. The parties are not habitual offender as there is no

other case pending against them. Complainant and injured have stated that they do not want to proceed against the petitioners.

In view of the compromise arrived at between the parties, no purpose would be served in case proceedings are continued as it would amount to wastage of precious time of the Court as the complainant and injured are not going to support the case of the prosecution and the continuation of proceedings would be futile exercise.

Accordingly, both the petitions are allowed and impugned criminal proceedings arising out of FIR No. 46 dated 7.6.2015 registered under Sections 307,323,450,506,148,149 IPC at Police Station City Malerkotla, District Sangrur and its cross-case along with all subsequent proceedings arising therefrom qua the petitioners in both the petitions, namely, Mohd. Usman, Barku, Shehbaz, Moon, Billa @ Parvez, Arif, Sahil , Mohd. Shahid, Yaseen, Nahid, Mohd. Shariff, Zahid, Abdul Gafood @ Mor and Mohd. Akhtar @ Dolla are quashed.

October 28, 2015
pooja

(DAYA CHAUDHARY)
JUDGE