

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 32210 of 2014.
Date of Decision : 21.04.2015.

Hardev Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. A.S. Gill, Advocate for the petitioners.

Mr. Mikhail Kad, Assistant Advocate General, Punjab.

Mr. F.S. Virk, Advocate for respondent No. 3.

Tejinder Singh Dhindsa, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 34 dated 22.02.2014, under Sections 323, 324, 148, 149 IPC (Section 307 IPC added later on), registered at Police Station Bawa Khel, Jalandhar City.

Since quashing was sought on the basis of compromise, this Court on 25.11.2014 had directed the parties to appear before the trial Court for recording of their statements and a report with regard to veracity of the compromise had been called for.

Placed on record is a report dated 27.12.2014 of the learned Judicial Magistrate Ist Class, Jalandhar and a perusal of the same would reveal that the statements of the complainant, namely, Vinod @ Bittu and injured Naresh Kumar @ Babbu as also accused Hardev Singh, Sukhdev Singh and Prabhjot Singh have been duly recorded and it has been opined that a compromise has been effected between the parties voluntarily and without any pressure or coercion.

A Full Bench of this Court in **Kulwinder Singh and others**

Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052 has taken a view that in appropriate cases this Court in exercise of its powers under Section 482 Cr.P.C. can intervene and bring to an end the criminal prosecution in the light of compromise that may have been effected between the parties, even in relation to non-compoundable offences.

Even though offence under Section 307 IPC has been cited, yet the compromise has been effected between the parties at the very initial stage i.e. during the course of investigation itself.

Learned State counsel upon instructions from ASI Fakir Singh would concede that investigation is still undergoing.

Under such circumstances, the compromise effected between the parties would fall within the parameters as laid down by the Hon'ble Supreme Court in a recent decision rendered in *Narender Singh and others Vs. State of Punjab and another, 2014, (2) RCR (Criminal) 482*.

Since the parties have taken a conscious decision to bury the hatchet at the very initial stage and to continue their lives in peace and harmony, it would be a fit case for this Court to intervene in exercise of its powers under Section 482 Cr.P.C. to bring to an end the criminal prosecution initiated in the light of the impugned FIR.

Accordingly, the present petition is allowed. Impugned FIR No. 34 dated 22.02.2014, under Sections 323, 324, 148, 149 IPC (Section 307 IPC added later on), registered at Police Station Bawa Khel, Jalandhar City and all proceedings emanating therefrom stand quashed.

Petition allowed.

April 21, 2015.
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(TEJINDER SINGH DHINDSA)
JUDGE