

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

***CRM No.M-36689 of 2012 (O&M)
Date of decision: 17.07.2015***

Sandeep Mor & another

... Petitioners

Versus

State of Haryana & others

... Respondents

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

Present: Mr. Kuldeep Sheoran, Advocate for the petitioners.

Mr. Arun Kumar, AAG, Haryana.

Mr. Ashish Pannu, Advocate for respondents No.2 to 4.

.....

TEJINDER SINGH DHINDSA, J. (ORAL).

The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.42 dated 24.02.2012 under Sections 147/149/447/467/468/471/506/511 IPC registered at Police Station Civil Lines Kaithal, District Kaithal.

Since quashing was sought on the basis of compromise, this Court while issuing notice of motion on 12.03.2015 had directed the parties to appear before the Illaqa Magistrate/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 18.04.2015 of the learned Judicial Magistrate 1st Class, Kaithal and a perusal thereof would reveal that statements of both the accused/present petitioners and the three complainants i.e. respondents No.2 to 4 have been duly recorded and it has been opined that a compromise has been effected voluntarily and without any pressure or coercion. Even the statements of the parties that have been

recorded stand appended alongwith the report.

Counsel appearing for the complainant/injured/respondent Nos. 2 to 4 also submits in Court that he would have no objection to the FIR being quashed on the basis of compromise.

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.

Adverting back to the facts of the present case, the dispute between the parties was essentially civil in nature and the parties have amicably resolved such dispute.

In the light of the compromise having been effected between the parties, it would be a futile exercise for the criminal proceedings to continue as such. It would be construed as an abuse of the process of law as also of the Court.

For the reasons recorded above, the present petition is allowed. FIR No.42 dated 24.02.2012 under Sections 147/149/447/467/468/471/506/511 IPC registered at Police Station Civil Lines Kaithal, District Kaithal and all proceedings emanating therefrom qua the present petitioners stand quashed.

Petition allowed in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

17.07.2015
harjeet