

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.33177 of 2015

Date of decision:-28.11.2015

Balwinder Singh @ Palwinder Singh & ors

.....Petitioners

Versus

State of Punjab & anr.

.....Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No

2. To be referred to the Reporters or not? Yes/No

3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. T.P.S Makkar, Advocate,
for the petitioners.

Mr. Rupam Aggarwal, DAG, Punjab.

Mr. Saurabh Singla, Advocate, for
Mr. VPS Mithewal, Advocate,
for respondent No.2.

DAYA CHAUDHARY, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of DDR No.21 dated 17.10.2011, under Sections 435,427,148,149 IPC registered qua FIR No. 66 dated 17.10.2011, under Sections 364,341,148,149 IPC and Sections 25/27 of Arms Act at Police Station Kabarwala, District Sri Muktsar Sahib on the basis of compromise effected between the parties.

While issuing notice of motion on 29.09.2015, the parties were directed to appear before the trial Court for recording of their statements with regard to the genuineness of the compromise. In compliance of said direction issued by this Court on 29.09.2015, the parties appeared before JMIC Malout and their statements were recorded.

The complainant has specifically stated in his statement that a compromise has been effected which is as per their free will and without any pressure or coercion from any side in any manner. A report along with the statements has also been sent by JMIC Malout which is on record. As per the report of the JMIC, Malout, the compromise is genuine and

voluntarily, without any pressure or coercion from other side.

Learned counsel for the petitioner submits that another FIR has also been quashed by this Court vide order dated 20.11.2013 passed in CRM-M No. 19125 of 2013. The dispute between the parties has been settled by way of compromise and the complainant has no objection in quashing of the DDR and other proceedings arising therefrom.

Learned counsel for complainant-respondent has also affirmed the factum of compromise.

Heard learned counsel for the parties and have also perused the statements of the parties as well as the documents available on the file.

Admittedly FIR No. 66 dated 17.10.2011 has been quashed on the basis of compromise vide order dated 20.11.2013, which is annexed as Annexure P-3 with this petition. Subsequently, the present petition has been filed for quashing of DDR No. 21 dated 17.10.2011. In compliance of the directions issued by this Court on 29.9.2015, the statements of the parties were recorded, which are on the record. It has been stated in the statements made by the petitioners that they have compromised the matter with the complainant with the intervention of the village Panchayat and dispute has been settled amicably between them. They have now no grouse against the complainant. The compromise arrived at between them is voluntarily and without any pressure from either side. The statements and the compromise have been signed by both the parties before learned Judicial Magistrate 1st Class, Malout. A report has also been sent to this Court wherein factum of compromise has been affirmed. It has also been mentioned in the report that the Court is satisfied that the statements of the parties got recorded are voluntarily and without any pressure from either side. Statement of the complainant/injured as well as of accused were got recorded after proper identification as copy of ID proof is also on record.

Since the dispute between the parties has been compromised and the complainant has no objection in quashing of the DDR. There is no justification in continuing with the proceedings as no purpose would be served as the complainant has now no grouse against the accused petitioners. Moreover, this Court has inherent power under Section 482 Cr.P.C. to quash the proceedings even in non-compoundable offence to prevent abuse of process of law or to secure the ends of justice as has been held by the Larger Bench of this Court in judgment titled “**Kulwinder Singh Vs. State of Punjab 2007(3) RCR (Criminal) paged 1052**”.

Accordingly, the present petition is allowed. DDR No.21 dated 17.10.2011, under Sections 435,427,148,149 IPC registered in FIR No. 66

dated 17.10.2011, under Sections 364,341,148,149 IPC and Sections 25,27 of Arms Act at Police Station Kabarwala, District Sri Muktsar Sahib and other proceedings arising therefrom are quashed qua petitioners namely Balwinder Singh, Kamaljit Singh and Gurmukh Singh.

28.11.2015

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**(DAYA CHAUDHARY)
JUDGE**