

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-3319 of 2015

Date of decision: May 27, 2015

Achan Singh and others

.. Petitioners

Vs.

State of Punjab and another

.. Respondents

Coram: Hon'ble Mr. Justice Surinder Gupta

Present: Mr. Sarbjit Singh, Advocate
for the petitioners.
Mr. Yogesh Gupta, A. A.G. Punjab.

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.415 dated 26.10.2014 (Annexure P-1), registered for offence punishable under Sections 323/324/379/148/149 IPC at Police Station A-Division, Amritsar, on the basis of the compromise (Annexure P-2).

As per case of prosecution, on 25.10.2014, at about 9.15 p.m. the petitioners came to the shop of complainant-respondent No.2 and caused injuries to him, Deepinder Singh and Nanak Singh. They had also taken away cash of ₹67,000/- which the complainant had kept in an envelope while closing his shop.

Upon notice, Mr. Yogesh Gupta, A.A.G. Punjab, has put in appearance on behalf of respondent No.1-State.

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

The parties were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 11.3.2015 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 State counsel has also not disputed the compromise (Annexure P/2).

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-1) along with all consequential proceedings arising therefrom is quashed.

May 27, 2014
deepak

(Surinder Gupta)
Judge