

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-34498 of 2014 (O&M)

Date of decision: May 21, 2015

Poonam and others

.. Petitioners

Versus

State of Haryana and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Harmeet Kaur Sidhu, Advocate for
Mr. HPS Ishar, Advocate
for the petitioners.

Mr. P.S. Sullar. Addl.A.G. Haryana

Mr. Sushil Sharma, Advocate
for respondent No.2.

SURINDER GUPTA, J.(Oral)

The petitioners have filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No.127 dated 29.09.2014 (Annexure P-1), registered for offence punishable under Sections 148, 323, 452 and 506 read with Section 149 of Indian Penal Code (for short 'IPC') at Police Station Kalka, District Panchkula along with all consequential proceedings arising therefrom, on the basis of the compromise by way of affidavit (Annexure P-2) of respondent No.2.

As per case of the prosecution, on 26.09.2014, when complainant was alone at her house, all the petitioners formed unlawful assembly and in prosecution of common object, committed house trespass

and caused simple hurt on the person of complainant and while leaving, the petitioners gave threat to kill her.

Upon notice, Mr. P.S. Sullar, Addl. Advocate General, Haryana has put in appearance on behalf of respondent No.1-State and Mr. Sushil Sharma, Advocate has put in appearance on behalf of respondent No.2-complainant.

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 20.03.2015 stating therein that the compromise has been effected between the complainant and the accused (petitioners) which appears to be voluntary and lawful in nature.

Learned counsel for the respondent No.2-complainant has submitted that in view of affidavit (Annexure P-2), the private respondent (complainant) has no objection if the impugned FIR (Annexure P-1) is quashed. Learned State counsel has also not disputed the compromise by way of affidavit (Annexure P-2).

The only obstacle in the way of accepting the compromise for quashing the impugned FIR is that the offences punishable under Sections 148, 452 and 506 (Part II) IPC are 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, who are related to each other, 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, qua petitioners, is quashed.

May 21, 2015
Sachin M.

(SURINDER GUPTA)
JUDGE