

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

**CRM-M-35528 of 2015
Date of Decision:14.12.2015**

KAKA SINGH

...Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM : HON'BLE MS. JUSTICE DAYA CHAUDHARY

Present : Mr. H.R. Bhardwaj, Advocate for
Mr. Jagraj Singh Khiva, Advocate
for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab.

Mr. A.S. Mann, Advocate
for respondent Nos.2 to 4.

DAYA CHAUDHARY J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.69 dated 13.06.2011 registered at Police Station, Lambi, District Shri Muktsar Sahib under Sections 279/337/338/427 of Indian Penal Code.

Notice of motion was issued in the case on 15.10.2015 and the parties were directed to appear before the trial Court for recording of their statements with regard to compromise.

As per direction issued by this Court on 15.10.2015, petitioner as well as complainant and injured appeared before the trial Court on 31.10.2015 and their statements were recorded. A report

has also been sent by SDJM, Malout, District Sri Muktsar Sahib in this regard wherein, it has been mentioned that the compromise effected between the parties is without any pressure and is as per their free will. The complainant and injured have no objection in quashing the FIR and other proceedings arising from the FIR.

Learned counsel for the petitioner submits that the dispute between the parties has been settled by way of compromise and the complainant, eye witness of the incident as well as injured witness have given their affidavits to the effect that they have no objection, in case, the FIR registered against the petitioner is quashed. Even, as per the statements recorded before Additional Civil Judge (Senior Division)-cum-SDJM, Malout, District Muktsar, the factum of compromise has been affirmed. The complainant as well as injured have stated in their statements that they have no objection, in case, the FIR lodged against the petitioner is quashed.

Both the parties were got identified by their respective counsel while appearing before the trial Court. The statements of the parties are genuine to the satisfaction of the trial Court and are without any pressure from either side. It has also been mentioned in the aforesaid report that no other case is pending between the parties. Complainant and injured have also stated in their respective statement that they do not want to proceed further against the accused person.

On perusal of statements of complainant and injured as well

as of the petitioner, it appears that compromise arrived at between the parties is to maintain peace and harmony in the relations. Both injured and complainant have specifically stated in their statement that they have no objection in quashing of FIR and other proceedings arising therefrom. They do not want to proceed further with the criminal case against the petitioner. Offence under Sections 337, 338, 427 IPC are compoundable and only Section 279 IPC is non-compoundable but by exercising the inherent powers under Section 482 Cr.P.C., keeping in view the interest of the parties and also the statement of complainant and injured that they are not interested in pursuing the case against the petitioner, the permission to compound the offence is granted. The petition is allowed as no positive result would come in case the proceedings are allowed to continue in future and they are not going to support the case of the prosecution. The petition is allowed and FIR No.69 dated 13.06.2011 under Sections 279/337/338/427 of Indian Penal Code registered at Police Station, Lambi, District Sri Muktsar Sahib and other proceedings arising therefrom qua the petitioner namely Kaka Singh are hereby quashed.

December 14, 2015
rajneesh

(DAYA CHAUDHARY)
JUDGE