

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-39649 of 2013
Date of decision : May 28, 2015

Bhag Singh and others

...Petitioners...

versus

State of Punjab and another

...Respondents...

CORAM : HON'BLE MR. JUSTICE JASPAL SINGH

Present : Mr. Rakesh Kumar, Advocate,
for the petitioners.

Mr. RPS Sidhu, AAG, Punjab,
for respondent No.1.

Mr. Navjot Singh, Advocate,
for respondents No.3 and 4.

JASPAL SINGH, J.

This petition has been preferred under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 122, dated 30.10.2004, under Sections 458, 323, 148 and 149 IPC, registered at Police Station Sadar, Kapurthala (Annexure P-1) and all subsequent proceedings emanating therefrom, on the basis of compromise (Annexure P-2).

2. Initially, present petition was preferred for quashing of FIR in question (Annexure P-1), on the basis of compromise (Annexure P-2), impleading State of Punjab-respondent No.1 and Kashmiri Lal, son of Sh. Amar Chand, resident of village Khojewal,

Tehsil and District Kapurthala-respondent No.2 and a report from Id. Magistrate, Kapurthala was received to the effect that compromise has been reached in between the parties voluntarily without any pressure or coercion. But subsequently, State of Punjab-respondent No.1, filed reply to the petition by way of short affidavit of Sh. Mahinder Singh, PPS, Deputy Superintendent of Police, Sub Division Kapurthala, District Kapurthala, wherein it was unfolded that beside respondent No. 2-Kashmiri Lal there are two others injured namely Rattan Singh and Pal Singh with whom no compromise has so far been arrived at and further that they are necessary party to the instant petition for quashing on the basis of compromise. Subsequent thereto, Rattan Singh and Pal Singh were also impleaded as respondents No. 3 and 4. Amended memo of parties is also taken on record. Rattan Singh-respondent No.3 furnished his sworn affidavit dated February 07, 2015 whereas Pal Singh-respondent No.4 furnished his separate sworn affidavit of the same date, which were taken on record. They also appeared in person and admitted the correctness as well as genuineness of their affidavits and submitted that compromise has been arrived at between them as well as the effected persons and they will have no objection if the FIR in question is quashed since the matter has been amicably settled in between them. Even otherwise, matter involved is personal in nature, which has been amicably put at rest.

3. In view of the above I am of the considered opinion that continuation of criminal proceedings between the parties would be an

abuse of the process of law and the present compromise is for their benefit and will bring peace and harmony between them.

4. Consequently, instant petition stands allowed and FIR No. 122, dated 30.10.2004, under Sections 458, 323, 148 and 149 IPC, registered at Police Station Sadar, Kapurthala and all other subsequent proceedings arising therefrom, are quashed qua petitioners.

May 28, 2015

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**(JASPAL SINGH)
JUDGE**