

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-39710 of 2013

Date of decision: May 04, 2015

Swaranjit Kaur and another

.. Petitioners

Vs.

State of Punjab and another

.. Respondents

Coram: Hon'ble Mr. Justice Surinder Gupta

Present: Mr. P.S. Brar, Advocate
for the petitioner.
Mr. Yogesh Gupta, AAG, Punjab.
Mr. K.S. Brar, Advocate
for respondent No.2.

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.23 dated 23.4.2012 (Annexure P-1), registered for offence punishable under Sections 328//120-B/34 IPC at Police Station Bajakhana, District Faridkot, on the basis of the compromise (Annexure P-2).

Heard.

The FIR was registered on the complaint of respondent No.2-Rajinder Singh. The petitioner No.1 is the wife of respondent No.2 and petitioner No.2 is his Nephew. It has been submitted that during the pendency of the trial, a compromise has been effected between the parties which is in the interest of both the parties and will help them to live in peace and harmony.

The parties were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 19.3.2014 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 counsel for the respondent No.2-complainant has submitted that in view of the compromise (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 (Annexure P/2).

The only obstacle in the way of accepting the compromise for quashing the impugned FIR is that the offence under Section 328 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 04, 2015
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(Surinder Gupta)
Judge