

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

CRM No.M-3702 of 2015 (O&M)

Date of decision: 07.05.2015

Naryan Singh & another

... Petitioners

Versus

State of Punjab & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

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

Mr. Mikhail Kad, AAG, Punjab.

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TEJINDER SINGH DHINDSA, J. (ORAL).

The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.29 dated 09.05.2012, under Sections 323/324/148/149 IPC, registered at Police Station Bhadson, District Patiala.

Since quashing was sought on the basis of compromise, this Court on 06.02.2015 while issuing notice of motion had directed the parties to appear before the trial Court for recording of their statements and a report as regards veracity of the compromise was called for.

Placed on record is a report dated 24.04.2015 of the learned Judicial Magistrate 1st Class, Nabha and a perusal thereof would reveal that the statements of the complainant, namely, Gurpreet Singh, Manjit Kaur and Sukhdev Singh as also the present petitioners/accused, namely, Tarsem Singh and Naryan Singh have been duly recorded and it has been opined that compromise that has been effected between the parties is without any pressure or coercion.

During the course of hearing, counsel for the petitioners has

also produced before this Court orders passed in CRM No.M-42027 of 2014 dated 26.02.2015 and CRM No.M-1143 of 2015 dated 07.04.2015 in the light of which FIR registered against co-accused, namely Rawel Singh, Sandeep Kaur @ Pammi w/o Rawel Singh, Avtar Singh @ Ganju has already been quashed.

A Full Bench of this Court in ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*** has taken a view that in appropriate cases this Court in exercise of its powers under Section 482 Cr.P.C. can intervene and bring to an end the criminal prosecution in the light of compromise that may have been effected between the parties, even in relation to non compoundable offences.

Adverting back to the facts of the present case, the parties have amicably resolved the dispute and a conscious decision has been taken by the parties to bury the hatchet.

In the light of the compromise having been effected between the parties, it would be a futile exercise for the criminal proceedings to continue as such. It would be construed as an abuse of the process of law as also of the Court.

For the reasons recorded above, the present petition is allowed. FIR No.29 dated 09.05.2012, under Sections 323/324/148/149 IPC, registered at Police Station Bhadson, District Patiala and all proceedings emanating therefrom qua the present petitioners stand quashed.

Petition allowed in the aforesaid terms.

07.05.2015
harjeet

(TEJINDER SINGH DHINDSA)
JUDGE