

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-40815 of 2014 (O&M)

Date of Decision: 30.4.2015

Jaspal Singh & another

--Petitioners

Versus

State of Punjab and another

--Respondents

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

Present:- Mr. Parvez Akhtar, Advocate for the petitioners.

Mr. Mikhail Kad, A.A.G., Punjab.

Mr. J.S. Jaidka, Advocate for complainant/respondent no.2.

TEJINDER SINGH DHINDSA.J

The instant petition has been filed under Section 482 Cr.P.C praying for quashing of F.I.R. No.223 dated 27.12.2007 under Sections 406, 420, 465, 467, 468, 471, 120-B I.P.C registered at Police Station, Haibowal, District Ludhiana, on the basis of compromise, which as per pleadings has been entered into between the parties.

Learned counsel for the parties have been heard.

The dispute between the parties was essentially civil in nature. In pursuance to the criminal prosecution launched on the basis of the impugned F.I.R petitioners herein stand convicted by the Trial Court vide judgement dated 8.5.2012 for offence under sections 420, 467, 468, 471 and 120-B I.P.C and have been sentenced to undergo R.I for 3 years.

The appeal preferred by the petitioners is stated to be pending adjudication before the Sessions Court at Ludhiana.

Mr. Chaman Lal Ahuja, complainant/respondent no.2 herein is represented through counsel Mr. J.S. Jaidka, Advocate. Complainant is even

present in person in the Court and is duly identified by counsel. He suffers a statement that in view of the compromise that has been duly effected, he would have no objection to the F.I.R being quashed.

It has also gone uncontroverted that in the case of co-accused namely Sukhwinder Kaur, this Court in the light of order dated 18.3.2015, passed in CRM No. M-40460 of 2014 has already quashed the F.I.R qua her in view of the compromise.

A Full Bench of this Court in case of *Kulwinder Singh and others Vs. State of Punjab and another, 2007 (3) R.C.R (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 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, wherein the parties have amicably settled a civil dispute amongst themselves, it would be a fit case for this Court to exercise powers under Section 482 Cr.P.C to quash the impugned F.I.R and all proceedings emanating therefrom.

Accordingly, present petition is allowed. F.I.R. No.223 dated 27.12.2007 under Sections 406, 420, 465, 467, 468, 471, 120-B I.P.C registered at Police Station, Haibowal, District Ludhiana and all proceedings emanating therefrom, stand quashed.

Resultantly, the appeal pending before the Sessions Court, Ludhiana and having arisen from the judgement and conviction dated 8.5.2012 in Criminal Case No.176 of 27.8.2008 would now stand disposed of as infructuous.

Petition is allowed in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

April 30, 2015
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