

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-42603 of 2014 (O&M)

Date of decision: April 28, 2015

Naveen and others

.. Petitioners

Vs.

State of Haryana and others

.. Respondents

Coram: Hon'ble Mr. Justice Surinder Gupta

Present: Mr. Vivek Khatri, Advocate
for the petitioners.

Mr. Baljinder Singh Virk, DAG, Haryana
for the respondent-State.

Mr. Lajpat Sharma, Advocate
for respondents No.2 and 3.

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.252 dated 29.04.2010 (Annexure P-1), registered for offence punishable under Sections 147,148,324,326,452,506 IPC at Police Station City Hansi, District Hisar, on the basis of the compromise (Annexure P-4).

The FIR in this case was registered on the statement of Sube Singh son of Gutti Ram, since deceased, who was father of respondents No. 2 and husband of respondent No. 3. The allegations against the petitioners as incorporated in the petition are that on 26.4.2010 at about 9.30 p.m, the petitioners entered the house of complainant and caused injuries to him. The police presented the challan for offences punishable under Section 147,148,324,326,452,506 IPC. Sube Singh, injured has since died and respondent No. 2 is his son and respondent No. 3 is his wife. Accused Ishwar has also died.

Upon notice, Mr. Baljinder Singh Virk, Deputy Advocate General, Haryana has put in appearance on behalf of respondent No.1-State and Mr. Lajpat Sharma, Advocate has put in appearance on behalf of respondents No.2 and 3.

I have heard learned counsel for the parties and perused the case file.

The parties were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 21.1.2015 stating therein that the parties have entered into compromise of their own free will and without any pressure.

Learned counsel for the petitioners submitted that the only legal heirs left behind by injured Sube Singh are respondents No. 2 and 3. Learned counsel for the respondents No.2 and 3 has submitted that in view of the compromise (Annexure P/4), the private respondents have no objection if the impugned FIR (Annexure P/1) is quashed. Learned State counsel has also not disputed the compromise (Annexure P/4).

The only obstacle in the way of accepting the compromise for quashing the impugned FIR is that the offence under Section 324/326/452 IPC are 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, matter has been compromised between the parties, who are resident of same village. 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.

April 28, 2015
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(Surinder Gupta)
Judge