IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-43668 of 2014 (O&M)

Date of Decision: 26.03.2015.

Karnail Singh & another --Petitioners

Versus

State of Punjab and another --Respondents

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

Present:- Mr. R.S. Sekhon, Advocate for the petitioners.

Mr. Mikhail Kad, AAG, Punjab.

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TEJINDER SINGH DHINDSA.J.

The instant petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.110 dated 13.07.2013, under Sections 420/407/468/471/473/120-B of the Indian Penal Code, registered at Police Station Gate Hakima, District Amritsar on the basis of compromise.

While issuing notice of motion, this Court on 15.01.2015 had directed the parties to appear before the trial Court for recording of their statements and a report with regard to veracity of the compromise had been called for.

Placed on record is the report dated 19.03.2015 of the learned Civil Judge (Junior Division), Amritsar and a perusal of the same would reveal that statements of the parties i.e. Karnail Singh, Bohar Singh (present petitioners) as also complainant-Jatinder Kumar S/o Gurbachan Singh Bhatia have been duly recorded and it has been opined that a compromise had been entered into between the parties and the same is genuine and without any coercion or undue influence.

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This Court in appropriate cases can exercise the power under Section 482 Cr.P.C. for quashing of criminal proceedings/FIR on the basis of compromise. A reference in this regard may be made to a Full Bench decision of this Court in ***Kulwinder Singh & others Vs. State of Punjab & another, 2007 (3) RCR (Criminal) 1052.*** The Full Bench of this Court had examined the scope and ambit of the powers vested with the Courts under Section 482 Cr.P.C. and had categorically held that in appropriate cases, it would be open for the High Court to intervene and to set aside the criminal proceedings even in relation to offences which are not compoundable.

Adverting back to the facts of the present case, wherein dispute between the parties, which was essentially civil in nature having been amicably resolved, this Court is of the considered view that it would be a fit case for this Court to intervene and to bring to an end the criminal proceedings initiated in the light of the impugned FIR.

Under such circumstances, continuation of criminal prosecution in furtherance of the impugned FIR would be construed as an abuse of the process of law as also of the Court.

Accordingly, petition is allowed. The impugned FIR No.110 dated 13.07.2013, under Sections 420/407/468/471/473/120-B of the Indian Penal Code, registered at Police Station Gate Hakima, District Amritsar and all proceedings emanating therefrom stand quashed.

Petition allowed in the aforesaid terms.

26.03.2015 **(TEJINDER SINGH DHINDSA)**
harjeet **JUDGE**

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