

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-4393 of 2015

Date of decision: May 27, 2015

Mohamad Sahil alias Mohamad Ajaiz

.. Petitioner

Vs.

State of Punjab and others

.. Respondents

Coram: Hon'ble Mr. Justice Surinder Gupta

Present: Mr. Amit Dhawan, Advocate
for the petitioner.
Mr. Yogesh Gupta, A. A.G. Punjab.
Mr. Balram Singh Pathania, Advocate
for respondents No.2 and 3.

Surinder Gupta, J

The petitioner has filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of the FIR No.255 dated 18.12.2013 (Annexure P-1), registered for offence punishable under Sections 363/366 IPC at Police Station Division No.5, Jalandhar, on the basis of the compromise (Annexure P-2).

The FIR was got registered by Rita Kumari-respondent No.2 reporting that her daughter Tamanna aged about 25 years had gone missing since 9.9.2013.

Upon notice, Mr. Yogesh Gupta, A.A.G. Punjab, has put in appearance on behalf of respondent No.1-State and Mr. Balram Singh Pathania, Advocate has put in appearance on behalf of respondent No.2 and 3.

It has been submitted by learned State counsel that during investigation, respondent No.3-Tamanna got her statement recorded wherein she alleged that she had married with the petitioner and is living with him.

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 17.3.2015 stating therein that the compromise has been effected in between

the complainant and the accused which appears to be voluntary in nature and without any pressure or influence. 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 Sections 363/366 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, 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 27, 2014
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(Surinder Gupta)
Judge