

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 4751 of 2015.
Date of Decision : 06.04.2015.

Sukhpal Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present: Mr. Gaurav Sharma, Advocate for the petitioners.

Mr. Mikhail Kad, Assistant Advocate General, Punjab.

Mr. B.S. Aulakh, Advocate for respondent No. 2.

Tejinder Singh Dhindsa, J.(Oral)

This order shall dispose of CRM-M No. 4751 of 2015 titled as (Sukhpal Singh and another Vs. State of Punjab and another) and CRM-M No. 4939 of 2015 (Younus Masih and another Vs. State of Punjab and another) as the prayer made in these two connected petitions is for quashing of FIR No. 113, dated 26.08.2013, under Sections 323, 324, 34 IPC, registered at Police Station Lambi, District Sri Muktsar Sahib and for quashing of the cross case i.e. DDR in the afore-noticed FIR.

While issuing notice of motion in CRM-M No. 4751 of 2015 on 12.02.2015, this Court had directed the parties to appear before the concerned Illaqua Magistrate for recording of their statements and a report with regard to veracity of the compromise had been called for.

Likewise in CRM-M No. 4939 of 2015, while issuing notice of motion on 24.02.2015, identical directions had been passed.

Placed on record in these two connected petitions are two separate reports carrying even date i.e. 20.03.2015 of the Judicial Magistrate 1st Class, Malout and perusal of these two reports would reveal that statements of the parties have been duly recorded and it has been opined that a compromise has been effected between the parties of their free consent and without any influence or coercion.

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 this Court would have the powers under Section 482 Cr.P.C. to bring to an end the criminal proceedings initiated in the light of registration of FIR even with regard to such offences which are non-compoundable.

In the facts of the present case since the parties have taken a conscious decision to continue with their lives in peace and harmony, continuation of criminal prosecution in spite of a compromise having been effected, would be construed as an abuse of the process of law as also of the Court.

Accordingly, both the petitions are allowed. Impugned FIR No. 113, dated 26.08.2013, under Sections 323, 324, 34 IPC, registered at Police Station Lambi, District Sri Muktsar Sahib and cross case i.e. DDR in the afore-noticed FIR and all proceedings emanating therefrom stand quashed.

Both the petitions stand disposed of in the light of the present common order.

April 06, 2015.
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(TEJINDER SINGH DHINDSA)
JUDGE