

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 5372 of 2015.
Date of Decision : 19.05.2015.

Kuldeep Singh @ Kaka

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Vivek Goel, Advocate for the petitioner.

Mr. Mikhail Kad, Assistant Advocate General, Punjab.

Mr. Nitin Rampal, Advocate for respondent No. 2.

Tejinder Singh Dhindsa, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 50, dated 19.08.2000, under Sections 323, 324, 452, 148 and 149 IPC, registered at Police Station Badhni Kalan, District Moga, on the basis of a compromise.

Counsel for the parties have been heard.

It would be apposite to notice that the petitioner had not joined trial proceedings and had been declared a proclaimed offender.

However, a Coordinate Bench of this Court, while issuing notice of motion on 19.02.2015, had directed the petitioner to surrender before the trial Court and ad-interim protection as regards arrest subject to satisfaction of the trial Court was granted. Further parties were directed to get their statements recorded in support of the compromise.

It has gone uncontroverted that the petitioner duly

surrendered before the trial Court and was released on interim bail upon furnishing requisite bail bonds.

Place on record is a report dated 05.05.2015 of the Judicial Magistrate Ist Class, Moga and a perusal of the same would reveal that the statements of the complainant, namely, Sewak Singh @ Gursewak Singh as also of the accused/present petitioner have been duly recorded and it has been opined that a compromise has been effected between the parties without any pressure or coercion.

Learned State counsel has further apprised the Court that there were five accused in all including the present petitioner. Other four co-accused were convicted and in the case of three co-accused, who suffered conviction, appeals were filed and benefit of probation was granted.

Adverting back to the facts of the present case, the petitioner in terms of liberty granted by this Court, has surrendered before the trial Court. As per report furnished by the learned Illaqa Magistrate concerned, a compromise has been effected between the parties. Even counsel appearing for the complainant would make a statement in Court today that he has no objection to the instant petition being allowed and the impugned FIR being quashed insofar as the present petitioner is concerned.

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 in appropriate cases this Court in exercise of its powers under Section 482 Cr.P.C. can intervene and bring to an end the criminal prosecution in the light of compromise that may have been effected between the parties, even in relation to non-compoundable offences.

Following the dictum laid down in *Kulwinder Singh's case (supra)* and keeping in view the factual position of compromise having been entered into between the parties of their own free will and accord, the present petition is allowed. Impugned FIR No. 50, dated 19.08.2000, under Sections 323, 324, 452, 148 and 149 IPC, registered at Police Station Badhni Kalan, District Moga and all proceedings emanating therefrom qua the present petitioner stand quashed.

Petition allowed.

May 19, 2015.
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(TEJINDER SINGH DHINDSA)
JUDGE