

***IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH***

CRM No.M-6271 of 2014 (O&M)

Date of decision: 07.05.2015

Jagdish Ram & another

... Petitioners

Versus

State of Punjab & another

... Respondents

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

Present: Mr. RVS Chugh, Advocate for the petitioners.

Mr. Mikhail Kad, AAG, Punjab.

.....

TEJINDER SINGH DHINDSA, J. (ORAL).

The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.57 dated 12.06.2010, under Sections 420/379/411 IPC, registered at Police Station Baretta, District Mansa.

Since quashing was sought on the basis of compromise, this Court on 20.01.2015 had directed the parties to appear before the Illaqa Magistrate concerned for recording of their statements and a report as regards veracity of the compromise was called for.

Placed on record is a report dated 25.03.2015 of the learned Judicial Magistrate 1st Class, Budhlada and a perusal thereof would reveal that the statements of complainant (Birbal), accused, Jagdish Ram and Nazar Singh (petitioners herein) and victims, Jagdish Rai and Nand Singh have been duly recorded and it has been opined that compromise that has been effected between the parties is without any pressure or coercion.

At this stage, learned State counsel upon instructions from HC Balwinder Singh would inform the Court that even though, the FIR was also

registered against Surinder Bansal, but during the course of investigation, he was found to be innocent.

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.

Adverting back to the facts of the present case, the parties have amicably resolved the dispute and a conscious decision has been taken by the parties to bury the hatchet.

In the light of the compromise having been effected between the parties, it would be a futile exercise for the criminal proceedings to continue as such. It would be construed as an abuse of the process of law as also of the Court.

For the reasons recorded above, the present petition is allowed. FIR No.57 dated 12.06.2010, under Sections 420/379/411 IPC, registered at Police Station Baretta, District Mansa and all proceedings emanating therefrom stand quashed.

Petition allowed in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

07.05.2015
harjeet