

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

258

Criminal Misc. No.M-6364 of 2014
Date of Decision: 19th January, 2015

Gurinder Singh @ Gindi

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: Hon'ble Mrs. Justice Daya Chaudhary

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Abhishek Arora, Advocate
for the petitioner.

Mr. T.N. Sarup, Addl. A.G., Punjab.

DAYA CHAUDHARY, J.(Oral)

The present petition under Section 482 Cr.P.C. has been filed on behalf of petitioner, namely, Gurinder Singh @ Gindi for quashing of FIR No. 184 dated 14.12.2009, registered under Sections 279, 337, 338 IPC, at Police Station Sirhind, District Fatehgarh Sahib, on the basis of compromise arrived at between the parties.

Learned counsel for the petitioner submits that the dispute between the parties has been settled by way of compromise.

Notice of motion was issued on 20.02.2014 and the parties were directed to appear before the trial Court on 28.02.2014

for recording of their statements with regard to compromise. The trial Court was also directed to send a report with regard to compromise as to whether the compromise arrived at between the parties is genuine and without any pressure from either side.

In response to the aforesaid direction, the parties have appeared before the Additional Chief Judicial Magistrate, Fatehgarh Sahib and accordingly their statements were recorded. A report has been sent by the trial Court, wherein, the factum of compromise has been affirmed. The parties to the dispute have specifically stated that the compromise has been arrived at between them and now they do not want to proceed further with the proceedings. It has also been mentioned therein that the compromise is as per their free will and without any pressure from either side.

Since the dispute between the parties has been settled by way of compromise and the complainant has no objection in quashing of the FIR on the basis of compromise, the continuation of the proceedings would be an exercise in futility which will not only be the wastage of valuable time of the Court but it would also not be in the interest of both the parties. This Court has power to quash the proceedings on the basis of compromise.

A larger Bench of this Court in ***Kulwinder Singh vs State of Punjab 2007(3) RCR Criminal 1052*** has also observed that the proceedings can be quashed even in case of non-compoundable offences, in case, the compromise is there between the parties. The observations of this Court are reproduced as under :-

“ Criminal Procedure Code, Section 320(9) – Criminal Procedure Code, Section

482 – Compounding of offences which are non-compoundable under Section 320(9) Cr.P.C. - Offence non-compoundable, but parties entering into compromise-High Court has power under Section 482 Cr.P.C allow the compounding of non-compoundable offence and quash the prosecution where the High Court felt that the same was required to prevent the abuse of the process of any court or to otherwise secure the ends of justice – This power of quashing is not confined to matrimonial disputes alone.”

In the present case also, the parties have compromised their dispute and the complainant has no objection in quashing of the FIR.

In view of the facts as mentioned above, the present petition is allowed and the impugned criminal proceedings arising out of FIR No. 184 dated 14.12.2009, registered under Sections 279, 337, 338 IPC, at Police Station Sirhind, District Fatehgarh Sahib, as well as all subsequent proceedings arising therefrom qua Gurinder Singh @ Gindi are quashed.

19.01.2015
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(DAYA CHAUDHARY)
JUDGE