

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-797 of 2015 (O&M)

Date of Decision: 19.3.2015

Mandeep Kumar

--Petitioner

Versus

State of Punjab and another

--Respondents

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

Present:- Mr. H.S. Randhawa, Advocate for
Mr. P.S. Ahluwalia, Advocate for the
petitioner. (CRM No. M-797 of 2015)

Mr. Kartik Gupta, Advocate for
petitioners. (CRM No. M-4956 of 2015)

Mr. Mikhail Kad, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of CRM No. M-797 of 2015 (Mandeep Kumar Vs. State of Punjab & another) and CRM No. M-4956 of 2015 (Charu Arora & others Vs. State of Punjab & another) as the prayer made in these two petitions is for quashing of F.I.R. No.96 dated 27.10.2011 under Sections 323, 326, 452, 427 I.P.C registered at Police Station, Mehtiana, District Hoshiarpur and cross version i.e. Report No.12 dated 29.10.2011 under sections 324, 323 and 34 I.P.C registered at Police Station, Mehtiana, District Hoshiarpur, on the basis of a compromise that has been entered into between the parties.

On 9.1.2015, while issuing notice of motion in CRM No. M-797 of 2015, this Court had directed the parties to appear before the Illaqa Magistrate for recording of their statements in support of the compromise and a report had been called for.

Likewise in CRM No. M-4956 of 2015 notice of motion was issued on 13.2.2015 and identical directions had been issued to the parties.

Placed on record in CRM No. M-797 of 2015 is a report dated 5.3.2015 of J.M.I.C., Hoshiarpur and a perusal thereof would reveal that the statements of accused/petitioner herein namely Mandeep Kumar as also complainant party Charu Arora and Om Parkash have been duly recorded and it has been opined that the compromise has been entered into voluntarily and without any pressure or coercion.

In CRM No. M-4956 of 2015 report carrying even date i.e. 5.3.2015 of the J.M.I.C, Hoshiarpur has been placed on record. Perusal of the same would show that statements of the petitioners namely Charu Arora, Om Parkash and Bhupender Singh as also respondent no.2 Mandeep Kumar have been recorded and it has been opined that a genuine compromise has been arrived at voluntarily.

A Full Bench of this Court in case of ***Kulwinder Singh and others Vs. State of Punjab and another, 2007 (3) R.C.R (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 criminal prosecution in the light of any compromise that may have been effected even in relation to non-compoundable offences.

It has gone uncontroverted that the injury for which offence under Section 326 I.P.C had been cited, was on a non-vital part of the body i.e. on the left wrist.

Concededly, the parties have taken a conscious decision to resolve the dispute and to continue with their lives in peace and harmony.

Under such circumstances, continuation of criminal prosecution would be construed as as abuse of the process of law as also of the Court.

Accordingly, present petitions are allowed. F.I.R. No.96 dated 27.10.2011 under Sections 323, 326, 452, 427 I.P.C registered at Police Station, Mehtiana, District Hoshiarpur and cross version i.e. Report No.12 dated 29.10.2011 under sections 324, 323 and 34 I.P.C registered at Police Station, Mehtiana, District Hoshiarpur and all proceedings emanating therefrom, stand quashed.

Petitions are allowed in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

March 19, 2015
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