

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

CRM No.M-7997 of 2015 (O&M)

Date of decision: 23.07.2015

Swaran Singh & another

... Petitioners

Versus

State of Punjab & another

... Respondents

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

Present: Mr. Vivek Salathia, Advocate for
Mr. Vikas Gupta, Advocate for the petitioners.

Mr. Mikhail Kad, AAG, Punjab.

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TEJINDER SINGH DHINDSA, J. (ORAL).

The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.139 dated 09.06.2014 under Sections 326/323/34 IPC, registered at Police Station Bhikhiwind, District Tarn Taran.

Since quashing was sought on the basis of compromise, this Court while issuing notice of motion on 12.03.2015 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 23.04.2015 of the learned Judicial Magistrate 1st Class, Patti and a perusal thereof would reveal that the statements of the complainant/respondent, Paramjit Singh and both the accused, Swaran Singh and Gurpreet Singh (present petitioners herein) have been duly recorded and it has been opined that compromise that has been effected between the parties is without any pressure or coercion. Even the

statements of the parties that have been recorded stand appended along with the report.

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.139 dated 09.06.2014 under Sections 326/323/34 IPC, registered at Police Station Bhikhiwind, District Tarn Taran and all proceedings emanating therefrom qua the present petitioners stand quashed.

Petition allowed in the aforesaid terms.

23.07.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**