

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

CRM No.M-852 of 2015 (O&M)

Date of decision: 07.05.2015

Pargat Singh & others

... Petitioners

Versus

State of Punjab & another

... Respondents

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

Present: Mr. J.S. Dadwal, Advocate for the petitioners.

Mr. Mikhail Kad, AAG, Punjab.

Mr. S.K. Bawa, Advocate for respondent No.2.

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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.39 dated 13.04.2014, under Sections 323/324/325/341/149/506 IPC, registered at Police Station Mahilpur, District Hoshiarpur.

Since quashing was sought on the basis of compromise, this Court on 12.01.2015 while issuing notice of motion 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 03.03.2015 of the learned Judicial Magistrate 1st Class, Gurdaspur and a perusal thereof would reveal that the statements of the accused (petitioners No.1 to 3 and 5 herein) as also of the complainant/Jaspreet Singh (respondent No.2 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.

At this stage, learned State counsel upon instructions from HC

Kaushal Chander would inform the Court that petitioner No.4, namely, Jaswinder Singh had been found to be innocent during the course of investigation and accordingly, his name was placed in column No.2 of the final investigation report. Even counsel appearing for the complainant/respondent No.2 also submits in Court today that he would have no objection to the FIR being quashed on the basis of compromise.

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.39 dated 13.04.2014, under Sections 323/324/325/ 341/149/506 IPC, registered at Police Station Mahilpur, District Hoshiarpur and all proceedings emanating therefrom stand quashed.

Petition allowed in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

07.05.2015