BHUMIKA BHATI
2015.07.13 16:20

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-9480 of 2014 (O&M)

Date of Decision: 09.07.2015

Ajay Kumar Bali and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Ms. Chhavi, Advocate for
Mr. Nitesh Singhi, Advocate
for the petitioners.

Mr. Mikhail Kad, AAG, Punjab.

Mr. Tarun Dhingra, Advocate
for respondents No.2 and 3.

TEJINDER SINGH DHINDSA, J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.19 dated 25.03.2013 under Sections 452/323/506/148/149 IPC, registered at Police Station Dugri, District Ludhiana City.

Since quashing was sought on the basis of compromise, this Court on 18.03.2014 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 are two reports dated 30.10.2014 and 12.03.2015 of the learned Judicial Magistrate 1st Class, Ludhiana and a perusal thereof would reveal that the statements of the complainant-Indermohan Singh (respondent No.2) and injured Maninderjit Kaur (respondent No.3) as also accused, Ajay Bali and Rajiv Kumar (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.

Counsel appearing for the complainant/respondents No.2 and 3 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 them to live in peace and harmony.

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.19 dated 25.03.2013 under Sections 452/323/506/148/149 IPC, registered at Police Station Dugri, District Ludhiana City and all proceedings emanating therefrom stand quashed.

Petition allowed in the aforesaid terms.

09.07.2015 **(TEJINDER SINGH DHINDSA)**
Bhumika **JUDGE**