

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

251 **Criminal Misc. No. M-21396 of 2015 (O&M)**
Date of decision: January 22, 2016

Baltat Singh and another Petitioners

versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Sunil Agnihotri, Advocate for the petitioners.

Mr. Rupam Aggarwal, DAG, Punjab.

Mr. Amit Gupta, Advocate for respondent No.2.

DAYA CHAUDHARY, J.(Oral)

The present petition has been filed under Section 482 Cr.P.C. by petitioners, namely, Baltat Singh and Iqbal Singh for quashing of FIR No.123 dated 29.05.2015 registered under Sections 323, 324, 506, 354A, 458, 148, 149 of the Indian Penal Code at Police Station Samrala, Police District Khanna (Annexure P-1) and other proceedings arising therefrom on the basis of compromise arrived at between the parties.

The aforesaid FIR was registered at the instance of respondent No.2 with the allegations that four/five persons entered into her house and assaulted her as well as her family members. The accused persons also misbehaved with her. Thereafter, a compromise has been arrived at between the parties and the complainant has no objection in quashing of the FIR and other proceedings arising therefrom.

Learned counsel for the petitioners submits that due to intervention of the respectables and relatives, a compromise has been arrived at between the parties and the complainant has no grouse against the accused persons and has no objection in quashing of the FIR and other proceedings arising therefrom.

The factum of compromise has also been affirmed by learned counsel for respondent No.2.

Heard arguments advanced by learned counsel for the parties and have also gone through the documents available on record including copy of the compromise.

Notice of motion was issued on 06.07.2015 and vide order dated 31.10.2015, the parties were directed to appear before Illaqa Magistrate for recording of their statements with regard to compromise. The Illaqa Magistrate was also directed to send a report as to whether the compromise arrived at between the parties is genuine and without any pressure from either side or not.

In response thereto, the parties appeared before learned Sub-Divisional Judicial Magistrate, Samrala and their statements were recorded. A report has been sent by Sub-Divisional Judicial Magistrate, Samrala wherein, the factum of compromise has been affirmed. It has also been mentioned therein that the dispute between the parties has been settled by way of compromise and the complainant has no objection in quashing of the FIR and other proceedings arising therefrom. It is mentioned therein that the parties to the dispute have specifically stated in their respective statement that the compromise arrived at between them is as per their free will and without any pressure from either side. No other case is stated to be pending against either of the parties and the complainant does not want to proceed with the proceedings any further.

Since the dispute between the parties has been settled by way of compromise and the complainant has no objection in quashing of the FIR and other proceedings arising therefrom. Continuation of proceedings would be a futile exercise as the complainant is not going to support the case of the prosecution. It would not only be mere wastage of the valuable time of the Court but it would also not be in the interest of both the parties. This Court has inherent powers under Section 482 Cr.P.C. to quash the criminal proceedings even in non-compoundable offences on the basis of compromise.

Accordingly, this petition is allowed and FIR No.123 dated 29.05.2015 registered under Sections 323, 324, 506, 354A, 458, 148,

149 of the Indian Penal Code at Police Station Samrala, Police District Khanna (Annexure P-1) as well as other proceedings arising therefrom qua petitioners, namely, Baltat Singh and Iqbal Singh are hereby quashed.

January 22, 2016
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(DAYA CHAUDHARY)
JUDGE