

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

**Criminal Misc. No. M-34375 of 2015
Date of decision: 12.04.2016**

Nachhatar Singh and another

..Petitioners

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

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

Present: Mr. Vivek Goel, Advocate
for the petitioners.

Mr. Rupam Aggarwal, DAG, Punjab
for respondent No.1 – State.

None for respondent No.2.

Daya Chaudhary, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.47 dated 26.05.2015 registered under Sections 354, 354-A, 451 and 323 read with Section 34 of Indian Penal Code (for short 'IPC') at Police Station Moga Sadar, District Moga on the basis of compromise arrived at between the parties.

Learned counsel for the petitioners submits that the aforesaid FIR was registered at the instance of complainant-respondent No.2 as there was a minor dispute between the parties.

Both the parties are related to each other. Petitioner No.2 is brother-

in-law (Jeth) of complainant-respondent No.2. During pendency of the proceedings, a compromise was arrived at between the parties and complainant-respondent No.2 has sworn an affidavit with regard to factum of compromise.

Notice of motion was issued in the case on 08.10.2015 and thereafter, vide order dated 14.01.2016, parties were directed to appear before Illaqa Magistrate for recording of their statements with regard to compromise.

In response to the said directions issued by this Court, the parties have appeared before Additional Chief Judicial Magistrate, Moga and their statements with regard to compromise were recorded. A report along with the statements of the parties has been sent, which is on record wherein the factum of compromise has been affirmed. It has also been mentioned in the report that the compromise arrived at between the parties is as per their free will and without any pressure from either side. Complainant-respondent No.2 has specifically stated in her statement that she has compromised the matter with the intervention of respectables and now she has no grouse against the accused persons. She has also no objection in quashing of the FIR and other proceedings.

Since the dispute between the parties has been settled by way of compromise; complainant has no objection in quashing of the FIR and other proceedings, no purpose would be served in case proceedings are continued in future as it would result into wastage of

precious time of the Court as the complainant is not going to support the case of the prosecution. Moreover, the purpose of the compromise is to maintain peace and harmony in the relations.

It has been held by Five Judges' Bench of our own High Court in **Kulwinder Singh and others vs. State of Punjab and others, 2007(3) RCR (Criminal) 1052** that this Court has wide power to quash the criminal proceedings even in non-compoundable offences, notwithstanding the bar under Section 320 of the Criminal Procedure Code in order to prevent abuse of the process of law or to secure the ends of justice.

Accordingly, the present petition is allowed and the impugned criminal proceedings arising out of FIR No. 47 dated 26.05.2015 registered under Sections 354, 354-A, 451 and 323 read with Section 34 IPC at Police Station Moga Sadar, District Moga as well as all subsequent proceedings arising therefrom qua petitioners, namely, Nachhatar Singh and Nirbhai Singh, are hereby quashed.

12.04.2016
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(DAYA CHAUDHARY)
JUDGE