

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-43500 of 2015

DATE OF DECISION: 13.05.2016

Sahil Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspaper 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. Surinder Sharma, Advocate
for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab.

Mr. Naveen Sharma, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

The prayer in the present petition is for quashing of FIR No. 172 dated 26.10.2015 registered under Sections 323,341,354,427 and 506 IPC at Police Station Division No. 1, Jalandhar, on the basis of compromise.

Aforesaid FIR was registered on the basis of complaint made by respondent No.2 but during the pendency of the proceedings, the dispute between the parties was settled by way of compromise.

Learned counsel for the petitioner contends that the aforesaid FIR was registered due to misunderstanding between the parties alleging

therein that the petitioner gave beatings to the complainant and damaged her car. Learned counsel further contends that both the parties are residing in the same city and are known to each other for the last many years and now with the intervention of the respectables of the locality, the matter has been amicably settled between the parties. It has been agreed in the compromise that the complainant will make statement at the time of quashing of the FIR and no party shall claim anything against each other. Learned counsel also submits that at the time of filing the petition for grant of anticipatory bail to the petitioner, the complainant furnished an affidavit duly attested by Executing Magistrate and by considering the same, anticipatory bail was granted to the petitioner.

Learned counsel appearing for the complainant has also affirmed the factum of compromise arrived at between the parties.

Heard the arguments advanced by learned counsel for the parties and have also perused the allegations levelled in the FIR and other documents available on the file.

Admittedly, the dispute between the parties has been settled by way of compromise. The complainant has also furnished her affidavit at the time of hearing of the petition for grant of anticipatory bail, which was allowed. While issuing notice of motion on 22.12.2015, the parties were directed to appear before the Illaqa Magistrate/trial Court for recording of their statements with regard to compromise arrived at between them. In compliance of said direction issued by this Court, the statements of the parties were recorded by Judicial Magistrate, 1st Class, Jalandhar. The complainant has specifically stated in her statement that she is not interested in pursuing the case against the petitioner and has no objection in quashing of the FIR. After recording the statements of the parties, a report has also been sent by JMJC, Jalandhar, wherein, it has been

mentioned that the compromise has been arrived at between the parties as per their free will and without any pressure from either side.

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 amount to wastage of precious time of the Court. Moreover, it would not be in the interest of the parties as the complainant is not going to support the case of the prosecution. The purpose of the compromise is to maintain peace and harmony in the relations.

It has also 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. 172 dated 26.10.2015 registered under Sections 323,341,354,427 and 506 IPC at Police Station Division No. 1, Jalandhar as well as all subsequent proceedings arising therefrom qua petitioner, namely, Sahil Kumar, are hereby quashed.

May 13, 2016
pooja

(DAYA CHAUDHARY)
JUDGE