

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

Crl. Misc. No.M-43889 of 2015

Date of Decision: 15.03.2016

Mahinder Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Rupam Aggarwal, D.A.G., Punjab
for the respondent-State.

Mr. Ritesh Datta, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

Petitioner-Mahinder Singh has approached this Court by way of filing the present petition for quashing of FIR No.173 dated 05.10.2014 registered under Sections 341, 354 and 506 IPC at Police Station Sadar Khanna, District Khanna as well as charge sheet dated 22.01.2015 along with all consequential proceedings arising therefrom, on the basis of compromise arrived at between the parties.

The FIR, in question, was registered on the basis of complaint made by respondent No.2-Paramjit Kaur. However, during pendency of the proceedings, a compromise has been arrived at between the parties, which was reduced into writing on 10.09.2015. It has been mentioned in the compromise deed that the compromise is as per free will and consent of the parties.

Notice of motion was issued in the present case on

24.12.2015 and parties were directed to appear before the Illaqa Magistrate for recording of their statements with regard to compromise.

In response to directions issued by this Court, the parties have appeared before the Judicial Magistrate 1st Class, Khanna and their statements were recorded. A report along with statements of the parties has been sent to this Court, wherein, the factum of compromise has been affirmed. Complainant-respondent No.2-Paramjit Kaur has specifically stated in her statement that she has compromised the matter with the accused person and the said compromise is without any pressure from either side and is as per her free will. She has also stated that she has no objection in quashing of the FIR as well as other proceedings arising therefrom.

Learned counsel for respondent No.2 has also affirmed the factum of compromise arrived at between the parties.

Heard arguments of learned counsel for the parties and have also perused the documents available on the file including compromise as well as statements of the parties recorded before the Illaqa Magistrate.

Both the parties have settled their dispute by way of written compromise. As per directions issued by this Court, the statements of the parties were recorded, wherein, the factum of compromise has been affirmed. Complainant has specifically stated in her statement that she has no objection in quashing of the FIR and other proceedings arising therefrom.

It has been held by Hon'ble the Full Bench of this Court in ***Kulwinder Singh vs State of Punjab 2007(3) RCR Criminal 1052*** that this Court has power under Section 482 Cr.P.C to allow compounding in non-compoundable offences under Section 320(9) Cr.P.C, in case, the parties have entered into compromise. Said power can be exercised, in

case, the same is required to prevent the abuse of process of law and to secure the ends of justice. It has also been held that this power of quashing is not confined to matrimonial disputes alone as there can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under Section 482 of the Cr.P.C. It has also been stated that the compromise is the soul of justice and the power under Section 482 of the Cr.P.C is used to enhance such a compromise, which, in turn, enhances the social enmity and reduces friction in the society.

In the present case, both the parties have settled their disputes and they want to lead peaceful life. As such, no useful purpose would be served by keeping the present case pending as the complainant is not going to support the case of the prosecution and the continuation of the proceedings would be a futile exercise and also a wastage of precious time of the Court.

Accordingly, the present petition is allowed and FIR No.173 dated 05.10.2014 registered under Sections 341, 354 and 506 IPC at Police Station Sadar Khanna, District Khanna along with all consequential proceedings arising therefrom, qua petitioner Mahinder Singh are hereby quashed.

15.03.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE