

Crl. Misc. No.M-44200 of 2015

1

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

Crl. Misc. No.M-44200 of 2015

Date of Decision: 28.05.2016

Gurinder Singh Sandhu

....Petitioner

Versus

State of Punjab and another

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the 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. Sandeep Kumar Rana, Advocate
for the petitioner.

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

Mohd. Salim, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

This petition has been filed under Section 482 Cr.P.C for quashing of FIR No.279 dated 14.11.2015 registered under Sections 452, 354-A and 506 IPC at Police Station Zirakpur, District SAS Nagar, Mohali and subsequent proceedings arising therefrom on the basis of compromise dated 09.12.2015 (Annexure P-2).

The FIR, in question, was registered on the basis of complaint made by respondent No.2. Subsequently, during pendency of the proceedings, a compromise was arrived at between the parties with the intervention of elders and respectable persons of the area, which was

reduced into writing. Said compromise was signed by both the parties in the presence of witnesses. The terms and conditions of the compromise are reproduced as under :-

“1. That one FIR No.279 under Sections 452, 354-A and 506 IPC was got registered by the first party against the second party at Police Station Zirakpur, Tehsil Dera Bassi, District SAS Nagar on 14.11.2015.

2. That aforesaid case was got registered by the first party against the second party due to altercation between both the parties.

3. That now the compromise between the first party and the second party has been arrived with the intervention of the respectables.

4. That the compromise in this regard has been arrived at between first party and the second party.

5. That now the first party do not want to initiate any police/legal action/proceedings whatsoever against the second party.

6. That if the aforesaid case is consigned to record, the first party shall not have any objection whatsoever in this regard.”

Notice of motion in the case was issued on 05.01.2016. Thereafter, in compliance of directions issued by this Court on 22.03.2016, the parties appeared before the Judicial Magistrate Ist Class, Dera Bassi and their statements were recorded, wherein, the factum of compromise has been affirmed. Complainant has specifically stated in her statement that she has compromised the matter with the accused as per her own free will and without any pressure from either side. It is also mentioned that she has no objection in quashing of FIR as well as other proceedings arising therefrom.

A report has also been sent by Judicial Magistrate Ist Class, Dera Bassi stating therein that the compromise arrived at between the

parties is genuine and is as per their free will. The Court was satisfied with the compromise and no other case is stated to be pending between the parties.

The dispute between the parties has been settled by way of compromise and the complainant has no objection in quashing of FIR as well as other proceedings arising therefrom. No purpose would be served, in case, the proceedings are allowed to continue in future as the complainant is not going to support the case of the prosecution because of compromise.

A larger Bench of this Court in ***Kulwinder Singh vs State of Punjab 2007(3) RCR (Criminal) 1052*** has also observed that the proceedings can be quashed even in case of non-compoundable offences, in case, the compromise is there between the parties.

Accordingly, by considering the compromise arrived at between the parties, which is in their interest, the present petition is allowed. FIR No.279 dated 14.11.2015 registered under Sections 452, 354-A and 506 IPC at Police Station Zirakpur, District SAS Nagar, Mohali along with all consequential proceedings arising therefrom qua petitioner, namely, Gurinder Singh Sandhu are hereby quashed.

28.05.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE