

Crl. Misc. No.M-44212 of 2015

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

Crl. Misc. No.M-44212 of 2015

Date of Decision: 28.05.2016

Mintu and others

....Petitioners

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:- None for the petitioner.

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

Mr. J.S. Thind, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.35 dated 19.01.2015 registered under Sections 323/354/148/149 IPC at Police Station Division "A", Amritsar City along with all subsequent 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. However, during pendency of the proceedings, a compromise was arrived at between the parties. Said compromise was reduced into writing, which was signed by both the parties and some

witnesses. Certain terms and conditions were settled in the compromise, which are as under :-

- “1. That the party no.1 Samma has got registered a case No.35 dated 19.01.2015 under Sections 323/354/148/149 IPC with Police Station `A` Division against party No.2- Mintu son of Prem Masih, Raja son of Des Raj, Des Raj son of Mukhtiar Masih, Simro wife of Des Raj and Veena wife of Mintu residents of Jhande Wali Gali, Sant Nagar, Dhumsari, Verka, Amritsar.
2. That on the intervention of respectable, a compromise has been got made between both the parties and now we both parties are living in peace. Now we have no grudges against each other.
3. That the party of part one do not want to take any proceedings regarding the above case/parcha and if the above case is quashed then the party no.1 will have no objection at all.”

Notice of motion in the case was issued on 05.01.2016 and thereafter, as per directions issued by this Court on 14.03.2016, the statements of the parties were recorded, wherein, the factum of compromise has been affirmed. Complainant-respondent No.2-Sama has specifically stated in her statement that she has no objection in quashing of FIR as well as other proceedings arising therefrom. It has also been mentioned that she does not want to proceed with the case further as the compromise has been arrived at with the intervention of respectables of the society.

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.

The dispute between the parties has been settled by way of

compromise. 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 arrived at with the accused persons.

By exercising the powers under Section 482 Cr.P.C and by considering the interest of the parties, the present petition is allowed. FIR No.35 dated 19.01.2015 registered under Sections 323/354/148/149 IPC at Police Station Division "A", Amritsar City along with all consequential proceedings arising therefrom qua petitioners-Mintu, Raj, Des Raj, Simro and Veena are hereby quashed.

28.05.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE