

Crl. Misc. No. M-6222 of 2016

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-6222 of 2016

DATE OF DECISION: 27.05.2016

Shamsher Singh @ Soni and another

.....Petitioners

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. HS Jajal, Advocate
for the petitioners.

Ms. Ritu Punj, Addl. A.G., Punjab.

Mr. Narinder S. Lucky, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

The prayer in the present petition is for quashing of FIR No. 70 dated 20.11.2015 registered under Sections 354-A/354-D IPC at Police Station Mehal Kalan, District Barnala, on the basis of compromise arrived at between the parties.

Aforesaid FIR was registered on the basis of complaint made by respondent No.2. Subsequently with the intervention of friends and family members, the dispute between the parties has been settled.

Respondent No.2 has given an affidavit stating therein that she does not

want to proceed against the petitioners and has no objection in quashing of the FIR and other proceedings.

While issuing notice of motion on 23.2.2016, the parties were directed to appear before the 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 JMIC, Barnala and their statements were recorded. After recording of their statements, 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 genuine and without any pressure from either side. Complainant-respondent No.2 has specifically stated in her statement that she has settled the dispute with the accused persons and has no objection in quashing of the FIR and other proceedings. Statement of complainant-respondent No.2 is reproduced as under:-

“Stated that I am complainant in this case and the present case was registered on my statement against accused Shamsheer Singh @ Soni and Parshotam Kumar @ Parshoti. Now, I entered into a compromise with accused with the intervention of respectables. I have no objection if the present FIR be quashed as I do not want to pursue the present case further because it is for the benefit of both the parties. I have effected the compromise with my free will and without any pressure. Copy of compromise dated 2.12.2015 is Ex. CX.”

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. 70 dated 20.11.2015 registered under Sections 354-A/354-D IPC at Police Station Mehal Kalan, District Barnala as well as all subsequent proceedings arising therefrom qua petitioners, namely, Shamsher Singh @ Soni and Purshotam Lal, are hereby quashed.

May 27, 2016
pooja

(DAYA CHAUDHARY)
JUDGE