

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-17338 of 2016
Date of decision: 16.02.2017

Kulwinder and others

.. Petitioners

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Kamal Narula, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

None for respondents no. 2 and 3.

SURINDER GUPTA, J.(Oral)

Petitioners have filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No. 99 dated 10.06.2015 (Annexure P-1), registered for offences punishable under Sections 323, 324, 148 read with Section 149 of Indian Penal Code (for short 'IPC') at Police Station Bawa Khel, Jalandhar City, District Jalandhar along with all consequential proceedings arising therefrom, on the basis of the compromise (Annexure P-2)

Heard.

Case of prosecution, in brief, is that on 04.06.2015 at about 09.15 p.m., when complainant-respondent no. 2-Manish Chaudhary, after closing his roadside stall, was going towards his house, petitioners alongwith some other unknown persons armed with deadly weapons like saw (*aari*), knife, hammer etc., came and started abusing him. When he (complainant) opposed, petitioners caused injuries to him with blunt as well as sharp edged weapons and unknown persons accompanying them gave

kick and fist blows to him. On his raising alarm, his brother, respondent no. 3, came to his rescue and was also caused injuries by petitioners. On seeing the people gathering at the spot, all the accused ran away from there with their respective weapons.

Learned counsel for petitioners submits that the matter has since been compromised.

The parties were directed to appear before the trial court to produce the compromise and get their statements recorded. The trial court has sent its report dated 02.06.2016 stating therein that the compromise has been effected between the complainant and the accused which appears to be genuine and voluntary in nature and without any pressure.

Learned State counsel has also not disputed the compromise between the parties.

The only obstacle in the way of accepting the compromise for quashing the impugned FIR is that the offences punishable under Sections 148 and 324 IPC are non-compoundable. In case ***Kulwinder Singh vs. State of Punjab***, 2007 (3) RCR (Crl.) 1052, Full Bench of this Court has held that the FIR can be quashed on the basis of the compromise by exercising inherent powers under Section 482 Cr.P.C. even if the offence is not compoundable.

In the instant case, the compromise has been effected with the intervention of the respectables and the parties wish to live in peace and harmony.

Keeping all the above facts in view, I am of the considered opinion that in view of compromise between petitioners and respondents no. 2 and 3, impugned FIR should be quashed. Keeping the case pending

will not serve the ends of justice. The quashing of the FIR will provide the parties to this petition an opportunity to live in an amicable, peaceful and harmonious atmosphere which is not only in the interest of the parties but also for their families and ultimately the society at large.

In view of the above discussion, the instant petition is allowed and the impugned FIR No. 99 dated 10.06.2015 (Annexure P-1) along with all consequential proceedings arising therefrom, qua petitioners, is quashed.

February 16, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No