

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM No.M-20013 of 2016 (O&M)
Date of decision: 15.03.2017**

Amrinder Singh

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. H.S. Sitta, Advocate for the petitioner.

Mr. Varun Sharma, AAG, Punjab.

TEJINDER SINGH DHINDSA, J. (ORAL).

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.138, dated 13.11.2015, under Sections 323/452/307/148/149 IPC, registered at Police Station Bassi Pathana, District Fatehgarh Sahib on the basis of compromise, which as per counsel has been entered into between the parties.

Since quashing was sought on the basis of compromise, this Court while issuing notice of motion on 02.06.2016 had directed the parties to appear before the trial Court for recording of their statements in support of the compromise. Veracity report was also called for.

Placed on record is a report dated 19.08.2016 of the Chief Judicial Magistrate, Fatehgarh Sahib and a perusal of the same would reveal that statements of the complainant, Balbir Singh as also two other injured, namely, Sapinder Singh and Preetpal Singh have been duly recorded. That apart, even the statement of the accused/present petitioner, Amrinder Singh has also been recorded and it has been opined that the compromise has been effected voluntarily and without any fear, pressure or coercion.

During the course of arguments, it has gone uncontroverted that the compromise has been entered into during the course of investigation itself. Learned State counsel has apprised the Court that the offence under Section 307 IPC has since been deleted and it is a case of simple injury.

This Court in appropriate cases can exercise the power under Section 482 Cr.P.C. for quashing of criminal proceedings/FIR on the basis of compromise. A reference in this regard may be made to a Full Bench decision of this Court in *Kulwinder Singh & others Vs. State of Punjab & others, 2007 (3) RCR (Criminal) 1052*.

Adverting back to the facts of the present case, since the parties have entered into a settlement, it would be a futile exercise for prosecution to continue in pursuance to the impugned FIR as the same would be construed as an abuse of the process of law as well as of the Court.

For the reasons recorded above, the present petition is allowed. FIR No.138, dated 13.11.2015, under Sections 323/452/307/148/149 IPC, registered at Police Station Bassi Pathana, District Fatehgarh Sahib and all proceedings emanating therefrom are quashed.

Petition allowed in the aforesaid terms.

15.03.2017

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |