

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-29080 of 2016

Date of decision: 27.02.2017

Jasbir Singh and others

.... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ashish Aggarwal , Advocate
for the petitioners.

Mr. Jashanpreet Singh, AAG, Punjab.

Mr. Vikas Gupta, Advocate
for respondents No.2 to 4.

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. 88 dated 23.07.2015 (Annexure P-1), registered for offences punishable under Sections 307, 324, 323, 452 read with Section 34 of Indian Penal Code (for short 'IPC') at Police Station Goindwal Sahib District Tarn Taran along with all consequential proceedings arising therefrom, on the basis of the compromise (Annexure P-6).

As per case of the prosecution, instant FIR was registered on the statement of Amrik Kaur, wherein she has alleged that petitioners entered her house and caused injuries to Sukhchain Singh and Gurpreet Singh. Injury no. 1 on the person of Sukhchain Singh was declared grievous in nature. Police after investigation presented the challan in which it is submitted that charge is yet to be framed. There is no report of doctor

declaring any injury on the person of Sukhchain Singh or Gurpreet Singh as dangerous to life constituting offence under Section 307 IPC.

I have heard learned counsel for the parties and perused the case file.

The parties were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 28.11.2016 stating therein that the compromise has been effected between the complainant and the accused which appears to be voluntary in nature and without any pressure, coercion and undue influence.

Learned counsel for the respondent No.2-complainant has submitted that in view of the compromise (Annexure P-6), the private respondents (complainants) have no objection if the impugned FIR (Annexure P-1) is quashed. Learned State counsel has also not disputed compromise (Annexure P-6).

The only obstacle in the way of accepting the compromise for quashing the impugned FIR is that the offence punishable under Sections 307, 324 and 452 IPC are not 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 now the parties wish to live in peace and harmony.

Keeping all the above facts in view, I am of the considered opinion that it is a fit case in which the 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. 88 dated 23.07.2015 (Annexure P-1) along with all consequential proceedings arising therefrom, qua petitioners, is quashed.

February 27, 2017

jk

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No