

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-29674 of 2016 (O&M)
Date of Decision: 09.02.2017

Gurjinder Singh

--Petitioner

Versus

State of Punjab and another

--Respondents

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

Present:- Mr. H.S. Jugait, Advocate for the petitioner.

Mr. Neeraj Sharma, A.A.G., Punjab.

Mr. Sumit Narang, Advocate
for the complainant/respondent no.2.

TEJINDER SINGH DHINDSA.J

The instant petition has been filed under Section 482 Cr.P.C seeking quashing of F.I.R. No.70 dated 29.06.2009 under sections 323, 325, 34 I.P.C (Section 326 I.P.C was added later on), registered at Police Station Kurali, District S.A.S. Nagar.

Since quashing was sought on the basis of compromise, this Court in the light of order dated 28.11.2016 had directed the parties to appear before the Trial Court/Illaq Magistrate on 30.11.2016 for getting their statements recorded in support of the compromise and a report as regards veracity of the compromise had been called for.

Placed on record is the report dated 05.12.2016 of the J.M.I.C, Rupnagar and a perusal of the same would reveal that the statements of the complainant/respondent no.2 herein and the accused/petitioner have been duly recorded and it has been opined that a compromise has been effected without any undue influence, pressure or coercion.

Counsel appearing for respondent no.2 also makes a statement that in the light of the compromise, he would have no objection to the quashing of the FIR.

It is, by now, well settled that in appropriate cases, this Court in exercise of power under Section 482 Cr.P.C would intervene to bring to an end criminal proceedings even in relation to offences, which are non-compoundable. A reference in this regard may be made to a Full Bench judgement of this Court rendered in case of **Kulwinder Singh and others Vs. State of Punjab and another, 2007 (3) R.C.R (Criminal) 1052.**

It would be apposite to notice that the complainant is the real brother of the petitioner. In my considered view, it would be a fit case for exercise of power under Section 482 Cr.P.C to bring to an end the criminal prosecution launched on account of a registration of the impugned FIR as the same would promote peace and harmony within the family.

Accordingly, the present petition is allowed. F.I.R. No.70 dated 29.06.2009 under sections 323, 325, 34 I.P.C (Section 326 I.P.C was added later on), registered at Police Station Kurali, District S.A.S. Nagar and all proceedings emanating therefrom stand quashed on the basis of compromise having been entered into between the parties.

Petition allowed.

(TEJINDER SINGH DHINDSA)
JUDGE

09.02.2017

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Whether speaking/reasoned: Yes
Whether Reportable: No