

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

**Criminal Misc. No.M-30355 of 2016
Date of Decision: 19.07.2017**

Harmander Singh & others

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. KBS Mann, Advocate
for the petitioners.

Ms. Simranjeet Kaur, AAG, Punjab.

Mr. Sukhdeep Singh, Advocate
for respondent no.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.84 dated 2.6.2014 under Sections 452/382/506/34/201 IPC registered at Police Station City Malout, District Sri Muktsar Sahib (Annexure P-1) on the basis of compromise dated 28.1.2016 (Annexure P-2).

This Court vide order 31.8.2016 had directed the parties to appear before the Illaqa Magistrate/Trial Court to get their statements recorded with regard to compromise and learned Illaqa Magistrate/Trial Court was directed to submit its report regarding the genuineness of the compromise so effected on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before learned Judicial Magistrate Ist Class, Malout and got their

statements recorded. Learned Magistrate has forwarded his report dated 18.10.2016 to the effect that the aforesaid statements have been recorded by the parties voluntarily and their compromise has been arrived at without any pressure or undue influence from either side. Thus, the compromise is genuine and valid. The statement of Deepak Kumar, complainant, which is accompanied with the report, reads as under:-

“Statement of Deepak Kumar Solanki son of Assa Ram Solanki son of Bhoj Raj Solanki, aged 32 years, resident of Sahara, Tehsil Seder Agra, District Agra (UP) posted as Branch Manager of SKS Micro Finance Limited Company, Branch Malout, Tehsil Malout, District Sri Muktsar Sahib along with Shri Rajwant Singh, Advocate

(ON S.A).

Stated that I have arrived at a compromise in this matter with the accused persons with the intervention of the village Panchayat. The matter has been amicably sorted out between me and the accused persons namely Harmander Singh, Vipan Kumar, Gurmeet Singh and Sukbir Singh alias Sukha. I have no grudge with the accused persons. The compromise has been arrived at voluntarily without any pressure, coercion, by the other party and with my own sweet will. I do not want to proceed with the present case and I have no objection if the present case FIR and other proceedings are quashed.

*RO & AC
Sd/-
Sd/- (Adv)*

*Sd/-
(Devnoor Singh), PCS
Judicial Magistrate First Class,
Malout. 26-09-2016.”*

Reply filed on behalf of the respondent-State, in Court, is taken on record.

Learned counsel for the respondent no.2/complainant as well as learned State counsel, have not disputed the factum of the compromise between the parties. However, learned State counsel, while relying upon the reply filed on behalf of the State, submits that the offences are not compoundable and therefore, the present FIR may not be quashed.

It is manifest that simply because an offence is not compoundable, is by itself no reason for the High Court to refuse exercise of its power under Section 482 Cr.P.C. That power can be exercised in cases where there is no chance of recording a conviction against the accused and the entire exercise of a trial is destined to be an exercise in futility. There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)10 SCC 303, this petition is allowed and FIR No.84 dated 2.6.2014 under Sections 452/382/506/34/201 IPC registered at Police Station City Malout, District Sri Muktsar Sahib (Annexure P-1) is quashed *qua* the petitioners, in view of compromise dated 28.1.2016 (Annexure P-2).

July 19, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No