

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-34155 of 2016 (O&M)
Date of Decision: 14.02.2017

Baljit Singh and others

--Petitioners

Versus

State of Punjab and another

--Respondents

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

Present:- Mr. Shekhar Kumar, Advocate for the petitioners.

Mr. Varun Sharma, A.A.G., Punjab.

Mr. M.S. Hundal, 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.11 dated 16.05.2010 under sections 323, 452, 448, 511, 427, 506, 148 and 149 I.P.C, registered at Police Station Balongi, District S.A.S. Nagar, Mohali.

Since quashing was sought on the basis of compromise, this Court while issuing notice of motion on 24.09.2016 had directed the parties to appear before the Trial Court/Illaq Magistrate 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 21.10.2016 of the J.M.I.C, Kharar and a perusal of the same would reveal that the statements of the complainant/respondent no.2 herein and the accused/petitioners have been duly recorded and it has been opined that a compromise has been effected without any 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.**

Adverting back to the facts of the present case the occurrence had taken place between the parties on account of an attempt to take forcible occupation of a shop in which the complainant was a tenant. Allegations were of the accused parties to have been armed with sticks and the complainant having been pushed and thrown out of the shop.

Parties having amicably settled the dispute, it would be a fit case for this Court to intervene in exercise of its power under Section 482 Cr.P.C to bring to an end the criminal prosecution initiated in the light of the registration of the impugned FIR.

Accordingly, the present petition is allowed. F.I.R. No.11 dated 16.05.2010 under sections 323, 452, 448, 511, 427, 506, 148 and 149 I.P.C, registered at Police Station Balongi, District S.A.S. Nagar, Mohali 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

14.02.2017

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No