

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

CRM-M-34693-2016 (O&M)

Date of decision: January 23, 2017

Gian Chand and another

.. Petitioners

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr.Sarju Puri, Advocate
for the petitioners.

Mr.Jashanpreet Singh, Asstt. AG, Punjab.

Mr.Jagatpal Singh Banwait, Advocate,
for respondents No.2 and 3.

SURINDER GUPTA, J.(Oral)

The petitioners have filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No.43 dated 17.4.2012 (Annexure P-1), registered for offences punishable under Sections 323, 324, 34, (326 added later on) Indian Penal Code (for short 'IPC') at Police Station Rahon, SBS Nagar, along with all consequential proceedings arising therefrom, on the basis of the compromise (Annexure P-2).

As per case of the prosecution, FIR was registered on the statement of Parminder Singh son of the petitioners and Darshna Devi respondent No.3 is the wife of Parminder Singh. Initially, the police has registered a case for offences punishable under Sections 323, 324, 34 IPC

and later on, offence under Section 326 IPC was also added.

Learned counsel for the petitioners submits that the dispute is between the parents and son and daughter-in-law. The same has been amicably settled with the intervention of the relatives.

Upon notice, Mr.Jashanpreet Singh, Assistant Advocate General, Punjab has put in appearance on behalf of respondent No.1-State and Mr.Jagatpal Singh Banwait, Advocate has put in appearance on behalf of respondents No.2 and 3 and filed his power of attorney on their behalf.

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 7.11.2016 stating therein that the compromise has been effected between the complainant-injured and the accused which appears to be voluntary in nature and without any pressure or influence.

Learned counsel for the respondents No.2 & 3 has submitted that in view of compromise (Annexure P-2), the private respondents have no objection if the impugned FIR (Annexure P-1) is quashed. Learned State counsel has also not disputed compromise (Annexure P-2).

The only obstacle in the way of accepting the compromise for quashing the impugned FIR is that the offence punishable under Section 326 IPC is 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/relatives 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.43 dated 17.4.2012 registered under Sections 323, 324, 34 (326 IPC added later on) at PS Rahon, SBS Nagar (Annexure P-1) along with all consequential proceedings arising therefrom, qua petitioners, is quashed.

January 23, 2017

Paritosh Kumar

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No