

Sr. No.278

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-35041 of 2016 (O&M)

Date of Decision: 20.02.2017

Shubham Sharma and others

... Petitioners

Versus

State of Punjab and another

... Respondents

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

Present:- Mr. Ashok Giri, Advocate,
for the petitioners.

Mr. T.N.Sarup, Additional A.G., Punjab.

Mr. M.S.Dhindsa, Advocate,
for the complainant/respondent No.2.

TEJINDER SINGH DHINDSA, J.(ORAL)

CRM No.4616 of 2017

The prayer in the present application is for preponement of the date in the main case which is otherwise fixed for 18.04.2017.

In view of the averments made in the application and by recording a no objection by learned State counsel as also counsel representing the complainant, prayer is allowed.

The date in the main case is preponed from 18.04.2017 and the main case is taken on Board today itself.

Application disposed of.

CRM No.M-35041 of 2016

Instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.48 dated 27.04.2015, under Sections 452/506/427/323/148/149 of IPC, registered at Police Station Nangal,

District Rupnagar on the basis of compromise.

Since quashing was sought on the basis of compromise, this Court while issuing notice of motion on 30.09.2016 had directed the parties to appear before the Illaqa Magistrate concerned for recording of their statements and a report with regard to veracity of the compromise was called for.

Placed on record is a report dated 10.01.2017 of the Sub Divisional Judicial Magistrate, Sri Anandpur Sahib and a perusal of the same would reveal that the statements of the complainant/respondent No.2 as also of the accused party i.e. petitioners herein have been duly recorded and it has been opined that a compromise has been entered into between the parties and which is without any pressure or coercion.

Even counsel representing respondent No.2 suffers a statement that he has no objection to the quashing of the FIR in the light of settlement that has been arrived at.

A Full Bench of this Court in **Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052** has taken a view that in appropriate cases this Court in exercise of its powers under Section 482 Cr.P.C. can intervene and bring to an end the criminal prosecution in the light of compromise that may have been effected between the parties, even in relation to non-compoundable offences.

Adverting back to the facts of the present case, the allegations were with regard to the accused/present petitioners having gained forcible entry in the shop of the complainant and thereafter having assaulted him. Concededly, it was a case where simple injuries had been inflicted.

Parties having arrived at a settlement and having compromised

the matter, it would be a fit case for this Court to exercise power under Section 482 Cr.P.C. and bring to an end the criminal prosecutions initiated in the light of impugned FIR.

For the reasons recorded above, the present petition is allowed. FIR No.48 dated 27.04.2015 under Sections 452/506/472/323/148/149 of IPC, registered at Police Station Nangal, District Rupnagar and all proceedings emanating therefrom stand quashed qua the present petitioners.

Petition is allowed in the aforesaid terms.

20.02.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No