

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

CRM-M-35925 of 2016 (O&M)

Date of decision:11.01.2017

Sukhjit Singh Nambardar

... Petitioner

Vs.

State of Punjab & others

... Respondents

2. CRM-M-43159 of 2016 (O&M)

Vikramjit Singh

... Petitioner

Vs.

State of Punjab & others

... Respondents

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

Present:- Ms. Satinder Kaur, Advocate for the petitioner,
(in CRM-M-39525-2016) and for respondents No.2 to 6,
(in CRM-M-43159-2016).

Mr. S.N. Sharma, Advocate for
Ms. Harsimran Kaur, Advocate for the petitioner,
(in CRM-M-43159-2016) and for respondents No.2 to 8,
(in CRM-M-39525-2016).

Mr. Ankur Jain, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

This order shall dispose of **CRM-M-35925 of 2016** (Sukhjit Singh Nambardar Vs. State of Punjab & others) and **CRM-M-43159 of 2016** (Vikramjit Singh Vs. State of Punjab & others) as both these petitions have been preferred under Section 482 Cr.P.C. seeking quashing of FIR No.127 dated 12.08.2015, under Sections 341/323/326/148/149 and 120-B IPC, registered at Police Station Dharamkot, District Moga as also the cross version registered vide DDR No.21 dated 12.08.2015.

Since quashing of FIR as also the cross version was sought on

the basis of compromise, it had been stated that the compromise was arrived at the very initial stage and during the course of investigation itself, parties had been directed to have their statements recorded in support of the compromise before the Illaqa Magistrate concerned.

Placed on record is a report dated 26.12.2016 of the learned Judicial Magistrate 1st Class, Moga and a perusal of the same would reveal that statements of the parties on either side have been recorded and it has been opined that the matter has been amicably settled and compromise between the parties without any pressure or coercion.

This Court in appropriate cases can exercise the power under Section 482 Cr.P.C. for quashing of criminal proceedings/FIR on the basis of compromise. A reference in this regard may be made to a Full Bench decision of this Court in ***Kulwinder Singh & others Vs. State of Punjab & others, 2007 (3) RCR (Criminal) 1052.***

It would be apposite to notice that even though offence under Section 326 IPC has been cited but such injury was on the non-vital part of the body. That apart, the compromise has been arrived at the very initial stage. Furthermore, counsel appearing for both sides apprise the Court that the parties in question belong to the same very village.

Under such circumstances, this Court finds it to be a fit case to intervene in exercise of its powers under Section 482 Cr.P.C. and to recognize the compromise that has been entered into between the parties so as to ensure peace and harmony in the village itself. Continuation of criminal proceedings under such circumstances would be a futile exercise and would be construed as an abuse of the process of law as also of the Court.

In view of the discussion above, FIR No.127 dated 12.08.2015, under Sections 341/323/326/148/149 and 120-B IPC, registered at Police Station Dharamkot, District Moga as also the cross version as per DDR No.21 dated 12.08.2015 stand quashed.

Petition is allowed.

11.01.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | Yes |