

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35195-2017

Date of Decision: 30.10.2017

JASWINDER SINGH @ SONA & ANR.

...Petitioners

V/S

STATE OF PUNJAB & ANR.

..Respondents

CORAM: HON'BLE MR. ARVIND SINGH SANGWAN

Present: Mr. Naveen Bawa, Advocate
for the petitioners.

Mr. Sandeep Vermani, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral):

This petition has been filed for quashing of an FIR No.74 dated 19.07.2016 (Annexure P-1), under Section 379-B of Indian Penal Code, on the basis of compromise/affidavit Annexure P-2. In pursuance of the order dated 20.09.2017, the parties were directed to appear before the trial Court on 06.10.2017 and got recorded their statements. As per the statement of complainant Baljinder Singh-respondent No.2, he has compromised the matter regarding the present FIR of his own free will, consent and without any pressure. It has further been stated that he do not want to pursue the present FIR against the petitioners-accused and has no objection if the present FIR is quashed. Similar, statements have been made by the petitioners.

The learned District and Sessions Judge, Ludhiana, vide its letter dated

25.10.2017, has forwarded the report dated 24.10.2017 of the trial Court. As per this report, the trial Court submitted that the parties have amicably, compromised the matter and the compromise is genuine, voluntarily and without any coercion or undue influence. It is also recorded that none of the petitioners is proclaimed offender.

Since the parties have decided to settle their dispute amicably in view of the Full Bench judgment of this Court in **Kulwinder Singh and others vs. State of Punjab & another, 2007 (3) RCR (Criminal) 1052**, wherein, it has been held that even in case of non-compoundable offences, the High Court can exercise its power under Section 482 Cr.P.C, in order to prevent the abuse of process and to secure the ends of justice to quash the FIR even in cases other than matrimonial cases, this petition deserves to be allowed.

Accordingly, FIR No. 74 dated 19.07.2016, under Section 379-B of IPC (Sections 411/34 of IPC added later on) registered at Police Station Koom Kalan, District Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom stand quashed qua petitioners, on the basis of the compromise.

(ARVIND SINGH SANGWAN)
JUDGE

30.10.2017

Nisha

Whether speaking/reasoned: Yes

Whether Reportable: No