

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-36848 of 2016 (O&M)

Date of Decision: 09.01.2017

Kulwinder Singh @ Kaka and others

--Petitioners

Versus

State of Punjab and another

--Respondents

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

Present:- Mr. H.S. Tuli, Advocate for
Mr. S.S. Rangi, Advocate for the petitioners.

Mr. Ankur Jain, A.A.G., Punjab.

Mr. S.K. Manchanda, Advocate for
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. 214 dated 29.10.2009 under sections 307, 341, 506, 323, 148, 149 and Sections 25/54 of Arms Act, 1959, I.P.C registered at Police Station Phase VIII, S.A.S. Nagar, District Mohali.

Since quashing was sought on the basis of compromise, this Court while issuing notice of motion on 18.10.2016, had directed the parties to appear before the Illaqa Magistrate concerned for recording of their statements and report as regards veracity of the compromise was called for.

It would be apposite to take note that even though, the FIR had earlier been registered at Police Station Phase-VIII, Mohali under Sections 307, 341, 506, 323, 148, 149 IPC read with Sections 25/54/59 of the Arms Act but the offences under Sections 307, 506 IPC as also Sections 25/54/59 of Arms Act were deleted.

Placed on record is a report dated 12.12.2016 of the learned Chief Judicial Magistrate, S.A.S Nagar, Mohali and a perusal of the same

would reveal that the statements of the complainant Manish Sharma as also of the accused/petitioners herein have been duly recorded and it has been opined that the compromise entered into between the parties is without any pressure or coercion.

Even Mr. S.K. Manchanda, Advocate appearing for the complainant/respondent No. 2 herein submits that he would have no objection to the FIR being quashed on the basis of the compromise.

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 this case, I am of the considered view that continuation of criminal prosecution in pursuance to the impugned F.I.R would be nothing but an abuse of the process of law.

Accordingly, the present petition is allowed. F.I.R. No. 214 dated 29.10.2009 under sections 307, 341, 506, 323, 148, 149 and Sections 25/54 of Arms Act, 1959, I.P.C registered at Police Station Phase VIII, S.A.S. Nagar, District 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

09.01.2017

lucky

Whether speaking/reasoned: Yes
Whether Reportable: No