

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

CRM-M-36345-2017

Date of decision: 01.11.2017

Shakir Malik and another

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. J.K. Singla, Advocate
for the petitioners.

Ms. Rajni Gupta, Sr. DAG, Punjab.

Mr. Kashish Garg, Advocate
for respondent No.2.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for quashing FIR No.14 dated 22.03.2016 (Annexure P-1) under Sections 420, 508 & 120-B of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Joga, District Moga and all the subsequent proceedings arising therefrom, on the basis of compromise.

Vide order dated 27.09.2017, parties were directed to appear before the trial Court and record their statements. Later on the petitioner moved an application bearing CRM No.32805 of 2017 for correcting the name of petitioner No.2 as Mohammad Naeem @ Naeem Malik instead of

Mohammad Narim and the same was allowed vide order dated 13.10.2017 and the parties were again directed to appear before the trial Court for recording the statements. In pursuance thereof, the trial Court has already submitted the report dated 25.10.2017 and as per this report, the complainant Swaran Singh has deposed before the trial Court that he has effected a compromise on his free consent without any pressure, undue influence and acknowledged that the compromise Mark A is correct. It is further stated by him that he has received the due amount from accused persons i.e. the petitioners and has no objection in case FIR is quashed.

The trial Court has also reported that none of the petitioners-accused is a proclaimed offender in this case and both the petitioners have also appeared before the trial Court on 25.10.2017 and have deposed that they have compromised the matter with the complainant. However, the registry has not corrected the memo of parties in pursuance of the order dated 13.10.2017. The registry is directed to attach the correct memo of parties in the main case.

After hearing learned counsel for the parties, I find that the parties have entered into a valid and legal compromise and resolved their dispute and have decided to live in peace. The offences in the FIR fell in the category, which can be compounded by this Court in view of the Full Bench judgment in **Kulwinder Singh and others Vs. State of Punjab and another, 2007 (3) RCR (Criminal) 1052**, wherein this Court has held that the High Court has the power under Section 482 Cr.P.C. to quash the FIR qua the offences which are non-compoundable. This power of quashing is not confined to matrimonial disputes alone.

In view of the above, this petition is allowed and FIR No.14 dated 22.03.2016 (Annexure P-1) under Sections 420, 508 & 120-B IPC, registered at Police Station Joga, District Moga and all the subsequent proceedings in pursuance thereof are ordered to be quashed qua both the petitioners.

01.11.2017
vishnu

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No