

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

I.

CRM-M-37491-2016 (O&M)

Date of decision: February 28, 2017

Jaswant Singh and others

.. Petitioners

Versus

State of Punjab

.. Respondents

II.

CRM-M-37278-2016 (O&M)

Gurdeep Singh and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr.Ramesh Chand Sharma, Advocate
for the petitioners in CRM-M-37491-2016 and
for respondents No.2 to 7 in CRM-M-37278-2016.

Mr.Ashish Sanghi, DAG, Punjab.

Ms.Kaavya Jariyal, Advocate, for
Mr.B.S.Jaswal, Advocate,
for respondent No.2 & 3 in CRM-M-37491-2016 and
for petitioners in CRM-M-37278-2016.

SURINDER GUPTA, J.(Oral)

This order will dispose of aforesaid two petitions. The
petitioners have filed these petitions under Section 482 Code of Criminal
Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No.169 dated

17.10.2012 (Annexure P-1), registered for offences punishable under Sections 323, 324, 341, 506, 509, 148 read with Section 149 Indian Penal Code (for short 'IPC') at Police Station Shahkot, Jalandhar and cross case bearing DDR No.42(A) dated 17.10.2012 (Annexure P-2) under Sections 323, 324, 325, 427, 148 read with Section 149 IPC, along with all consequential proceedings arising therefrom, on the basis of the compromise (Annexure P-3).

As per case of the prosecution, FIR was registered on the statement of Gurdeep Singh relating to the occurrence that took place on 14.10.2012 at about 2:00 p.m.. It is alleged that petitioners in CRM-M-37491-2016 caused injuries to Gurdeep Singh and Gurmeet Kaur. The police also registered DDR No.42(A) dated 17.10.2012 on the statement of Jaswant Singh wherein he has alleged that the injuries were caused to him by the petitioners in CRM-M-37278-2016 and other persons. The matter has since been amicably settled.

Upon notice, State counsel has put in appearance on behalf of respondent No.1 and Mr.B.S.Jaswal, Advocate, who is counsel for the petitioners in CRM-M-37278-2016 has put in appearance on behalf of respondents No.2 and 3 (complainant/injured) in CRM-M-37278-2016 while Mr.Ramesh Chand Sharma, Advocate who is the counsel for the petitioners in CRM-M-37491-2016 has put in appearance for respondents No.2 to 7 (complainant/injured) in CRM-M-37278-2016.

I have heard learned counsel for the parties and perused the case file.

The parties were directed to appear before the trial court and get

their statements recorded. The trial court has sent its report dated

14.12.2016 and 10.1.2017 stating therein that the compromise has been effected between the complainant and the accused which appears to be voluntary in nature and without any pressure or influence.

Learned counsel for respondent No.2-complainant has submitted that in view of the compromise (Annexure P-3), private respondents (complainant/injured) have no objection if the impugned FIR (Annexure P-1) and DDR (Annexure P-2) are quashed. Learned State counsel has also not disputed compromise (Annexure P-3).

The only obstacle in the way of accepting the compromise for quashing the impugned FIR is that the offences punishable under Sections 148 and 509 IPC are not compoundable. In case ***Kulwinder Singh vs. State of Punjab***, 2007 (3) RCR (Crl.) 1052, Full Bench of this Court has held that the FIR can be quashed on the basis of the compromise by exercising inherent powers under Section 482 Cr.P.C. even if the offence is not compoundable.

In the instant case, the compromise has been effected with the intervention of the respectables and the parties wish to live in peace and harmony.

Keeping all the above facts in view, I am of the considered opinion that it is a fit case in which the impugned FIR should be quashed. Keeping the case pending will not serve the ends of justice. The quashing of the FIR will provide the parties to this petition an opportunity to live in an amicable, peaceful and harmonious atmosphere which is not only in the interest of the parties but also for their families and ultimately the society at large.

In view of the above discussion, both the aforementioned petitions are allowed and the impugned FIR No.169 dated 17.10.2012 (Annexure P-1) and DDR No.42(A) dated 17.10.2012 (Annexure P-2) along with all consequential proceedings arising therefrom, qua petitioners, are quashed.

February 28, 2017

Paritosh Kumar

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No