

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

Crl. Misc. No. M-39689 of 2016 (O&M)

Date of decision: January 17 , 2017

Gurdeep Singh and another

.. Petitioners

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ritesh Datta, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. Navneet Mandhan, Advocate for
Mr. Pankaj Bali, Advocate
for respondent No.2.

SURINDER GUPTA, J.(Oral)

The petitioners have filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No.86 dated 13.04.2013 (Annexure P-1), registered for offences punishable under Sections 324, 341, 201 read with Section 34 Indian Penal Code (for short 'IPC') at Police Station City Khanna, along with all consequential proceedings arising therefrom, on the basis of the compromise (Annexure P-4).

As per case of the prosecution, on 12.04.2013 at about 4.30 p.m., when complainant Rajveer Singh was walking on the road along the railway line, petitioners in furtherance of their common intention,

wrongfully restrained the complainant and caused simple hurt with sharp edged weapon.

Upon notice, Mr. Ashish Sanghi, Deputy Advocate General, Punjab has put in appearance on behalf of respondent No.1-State and Mr. Pankaj Bali, Advocate through Mr. Naveen Mandhan, Advocate has put in appearance on behalf of respondent No.2-complainant.

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 04.01.2017 stating therein that the compromise has been effected between the complainant and the accused which appears to be voluntary, genuine and out of free will of the parties.

Learned counsel for the respondent No.2-complainant has submitted that in view of the compromise (Annexure P-4), the private respondent (complainant) has no objection if the impugned FIR (Annexure P-1) is quashed. Learned State counsel has also not disputed compromise (Annexure P-4).

The only obstacle in the way of accepting the compromise for quashing the impugned FIR is that the offence punishable under Section 201 IPC is 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 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, the instant petition is allowed and the impugned FIR (Annexure P-1) along with all consequential proceedings arising therefrom, qua petitioners, is quashed.

January 17, 2017

Sachin M.

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No