

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

Crl. Misc. No. M-40001 of 2016 (O&M)

Date of decision: February 17, 2017

Raghubir Kumar and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vaibhav Narang, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

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.671 dated 24.10.2016 (Annexure P-2), registered for offences punishable under Sections 341, 323, 365, 506 read with Section 34 of Indian Penal Code (for short 'IPC') at Police Station Civil Lines, District Police Commissionerate Amritsar along with all consequential proceedings arising therefrom, on the basis of the compromise dated 04.11.2016 (Annexure P-1).

Case of prosecution, in brief, is that on 24.10.2016 complainant-respondent No.2 Rajan Luthra along with respondent No.4- Riya Mahajan was going to Shivala Temple, Amritsar and when they crossed Shivala Phatak, respondent No.3-Vishal Babbar met them and they started talking with him. In the meanwhile, petitioners in furtherance of their common intention, wrongfully obstructed respondents No.2 to 4,

abused and threatened them. Petitioner No.4 caused simple injuries to respondent No.3 with baseball bat while petitioner No.3 hit a stone on the head of Vishal Babbar-respondent No.3. Complainant-respondent No.2 tried to pacify petitioners, who forcefully kidnapped Riya Mahajan-respondent No.4.

Upon notice, Mr. Ashish Sanghi, Deputy Advocate General, Punjab has put in appearance on behalf of respondent No.1-State.

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 13.02.2017 stating therein that the compromise has been effected between the respondents and the petitioners, which appears to be voluntary in nature and without any pressure or influence.

Learned State counsel has also not disputed compromise (Annexure P-1).

The only obstacle in the way of accepting the compromise for quashing the impugned FIR is that the offence punishable under Section 365 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 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, the instant petition is allowed and the impugned FIR No.671 dated 24.10.2016 (Annexure P-2) along with all consequential proceedings arising therefrom, qua petitioners, is quashed.

February 17, 2017

Sachin M.

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No