

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40029-2016

Date of decision : 17.02.2017

Bhola Parshad @ Bhola Ram

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Rajeev K. Kapila, Advocate,
for the petitioner.

Ms. Shivali, Assistant Advocate General, Punjab,
for respondent No.1.

Mr. Imran Farooqi, Advocate,
for respondent No.2.

TEJINDER SINGH DHINDSA J. (ORAL)

Instant petition has been preferred under Section 482 Cr.P.C. seeking quashing of FIR No.219 dated 19.07.2015, under Sections 452, 323, 324, 506 and 34 of Indian Penal Code, registered at Police Station Dasuya, District Hoshiarpur.

Since quashing was sought on the basis of compromise, this Court while issuing notice of motion on 09.11.2016 had directed the parties to appear before the Illaqa Magistrate concerned for recording of their statements in support of the compromise and a report with regard to veracity of the compromise was also sought.

Placed on record is a report dated 13.12.2016 of the learned Sub-Divisional Judicial Magistrate, Dasuya, and a perusal thereof would reveal that the statements of complainant/respondent No.2 as also of the accused/petitioner have been duly recorded and it has been opined that a compromise has been entered into between the parties and which is without

Mr. Imran Farooqi, Advocate, appearing on behalf of the complainant/respondent No.2 concedes to the factum of the compromise and states that he has no objection to the quashing of the FIR.

A Full Bench of this Court in **Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052** has taken a view that in appropriate cases this Court in exercise of its powers under Section 482 Cr.P.C. can intervene and bring to an end the criminal prosecution in the light of compromise that may have been effected between the parties, even in relation to non-compoundable offences.

Adverting back to the facts of the present case, it may be noticed that it is a case where only simple injuries have been inflicted.

Under such circumstances, this Court finds it to be a fit case to intervene in exercise of its powers under Section 482 Cr.P.C. and to recognize the compromise that has been entered into between the parties. Continuation of criminal proceedings under such circumstances would be a futile exercise and would be construed as an abuse of the process of law as also of the Court.

For the reasons recorded above, the present petition is allowed. FIR No.219 dated 19.07.2015, under Sections 452, 323, 324, 506 and 34 of Indian Penal Code, registered at Police Station Dasuya, District Hoshiarpur, and all proceedings emanating therefrom stand quashed.

Petition is allowed.

(TEJINDER SINGH DHINDSA)
JUDGE

17.02.2017
adhikari

Whether speaking/reasoned : ***Yes/No***

Whether Reportable : ***Yes/No***