

Sr. No.260

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-40324 of 2016 (O&M)

Date of Decision: 07.02.2017

Pardeep and another

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. R.S.Dhull, Advocate,
for the petitioners.

Mr. Deepak Grewal, DAG, Haryana.

Mr. S.S.Verma, Advocate,
for respondent No.2.

TEJINDER SINGH DHINDSA, J.(ORAL)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.194 dated 24.10.2016, under Sections 148/149/323/427/452/506 of Indian Penal Code, registered at Police Station Kaithal Sadar, District Kaithal.

Since quashing was sought on the basis of compromise, parties had been directed 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 called for.

Placed on record is a report dated 16.12.2016 of the learned Chief Judicial Magistrate, Kaithal and a perusal of the same would reveal

all the accused/petitioners herein have been duly recorded and it has been opined that a compromise has been effected between the parties without any coercion or pressure.

Even Mr. S.S.Verma, Advocate who is representing the complainant/respondent No.2 makes a statement that a settlement has been arrived at and he would have 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, FIR had been registered at the instance of respondent No.2 in relation to an occurrence that took place on 23.10.2016 at a wine shop and whereby the present petitioners armed with wooden sticks and iron rods had assaulted the complainant.

A compromise having been effected between the parties, I am of the considered view that it would be a fit case for exercise of the power under Section 482 Cr.P.C. to maintain peace and harmony amongst the parties. That apart the compromise has been entered into at the very initial stage and even prior to presentation of the final challan.

For the reasons recorded above, the present petition is allowed. FIR No.194 dated 24.10.2016, under Sections 148,149,323,427, 452 and 506 of Indian Penal Code, registered at Police Station Kaithal Sadar, District Kaithal and all proceedings emanating therefrom stand quashed qua

the present petitioners.

Petition is allowed in the aforesaid terms.

07.02.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No