

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

CRM-M No.40498 of 2016

Date of Decision: February 28, 2017

Dinesh Kumar @ Bawa and others

..... Petitioner(s)

Versus

State of Punjab and another

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. J. S. Lalli, Advocate
for the petitioners.

Mr. Varun Sharma, AAG, Punjab
for respondent No.1-State.

TEJINDER SINGH DHINDSA J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.39 dated 17.05.2016, under Sections 323, 452, 427, 356, 148 and 149 of IPC, registered at Police Station Division No.3, District Ludhiana on the basis of compromise.

Since quashing was sought on the basis of compromise, this Court while issuing notice of motion on 11.11.2016 had directed the parties to appear before the Illaqa Magistrate concerned for recording of their statements and a report with regard to veracity of the compromise was called for.

Placed on record is a report dated 22.12.2016 of the learned Judicial Magistrate, Ist Class, Ludhiana and a perusal of the same would reveal that the statements of the complainant/respondent No.2 as also of the accused party/petitioners herein have been duly recorded and it has been opined that a compromise has been entered into between the parties and which is voluntarily and without any coercion or undue influence.

Even though office report indicates that the complainant/respondent No.2 has been duly served but there is no representation on his behalf.

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.

In the considered view of this case, it is a case where the parties have compromised the matter at the initial stage itself and during the course of investigation and as such the compromise can be taken note of to bring to an end the criminal prosecutions initiated in the light of impugned FIR.

Continuation of proceedings would otherwise be seen as an abuse of the process of law as well as of the Court.

For the reasons recorded above, the present petition is allowed.

FIR No.39 dated 17.05.2016, under Sections 323, 452, 427, 356, 148 and 149 of IPC, registered at Police Station Division No.3, District Ludhiana and all proceedings emanating therefrom stand quashed qua the present petitioners.

Petition is allowed in the aforesaid terms.

February 28, 2017

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**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No