

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

I.

CRM-M-4100-2016 (O&M)

Date of decision: January 23, 2017

Sajan @ Sahil and others

.. Petitioners

Versus

State of Punjab and another

.. Respondents

II.

CRM-M-4101-2016 (O&M)

Amar @ Amarjit Singh @ Charanjit Singh and others

.. Petitioners

Versus

State of Punjab and another

.. Respondents

III.

CRM-M-36698-2016 (O&M)

Mukesh Kumar @ Miyan and another

.. Petitioners

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms.Manpreet Kaur, Advocate
for the petitioners in CRM-M-4100-2016 and

for respondent No.2 in CRM-M-4101-2016 and CRM-M-36698-2016.

Mr.Jashanpreet Singh, Asstt. AG, Punjab.

Mr.G.S.Bawa, Advocate
for respondent No.2 in CRM-M-4100-2016 and
for the petitioners in CRM-M-4101-2016 and
CRM-M-36698-2016.

SURINDER GUPTA, J.(Oral)

This order shall dispose of aforementioned three petitions filed under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No.261 dated 2.11.2015 (Annexure P-1), registered for offences punishable under Sections 323, 324, 341, 148, 149 Indian Penal Code (for short 'IPC') at Police Station Chherretta, Amritsar, cross version (Rapat No.54 dated 3.11.2015) under Sections 323, 324, 341, 148, 149 Indian Penal Code (for short 'IPC') (Annexure P-1) recorded in FIR No.261 dated 2.11.2015 (Annexure P-2), at Police Station Chherretta, Amritsar along with all consequential proceedings arising therefrom, on the basis of the compromise (Annexure P-3).

As per the case of the prosecution, the occurrence took place on 23.10.2015 at about 6:00 p.m. when petitioner Sajan alias Sahil and his co-accused petitioners No.2-Gurpreet Singh alias Gopi and petitioner No.3-Parmatma Singh @ God caused injuries to complainant Amarjit Singh. A cross-version was also registered on the complaint of Rajni alias Manpreet Kaur.

Learned counsel for the parties submits that the parties have amicably settled the dispute.

Upon notice, Mr.Jashanpreet Singh, Assistant Advocate General, Punjab has put in appearance on behalf of respondent No.1-State. Mr.G.S.Bawa, Advocate who is appearing for the petitioners in CRM-M-4101-2016 and CRM-M-36698-2016 has put in appearance on behalf of respondent No.2 in CRM-M-4100-2016 whereas Ms.Manpreet Kaur, Advocate who is appearing for the petitioners in CRM-M-4100-2016 has put in appearance for respondent No.2 in CRM-M-4101-2016 and CRM-M-36698-2016.

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 reports dated 21.11.2016 and 8.12.2016 (in CRM-M-36698-2016) stating therein that the compromise has been effected between the complainant and the accused which appears to be voluntary in nature and without any pressure or influence.

Learned counsel for the parties have submitted that in view of the compromise (Annexure P-3), the private respondents have no objection if the impugned FIR No.261 dated 2.11.2015 and cross case registered vide Rapat No.54 dated 3.11.2015 of that FIR are quashed. Learned State counsel has also not disputed compromise (Annexure P-3).

The only obstacle in the way of accepting the compromise for quashing the impugned FIR is that the offence punishable under Sections 324, 148 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 now 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, all the three petitions are allowed. The impugned FIR No.261 dated 2.11.2015 registered under Sections 323, 324, 341, 148, 149 IPC at PS Chherretta, Amritsar and the cross version registered vide Rapat No.54 dated 3.11.2015 registered under Sections 323, 324, 341, 148 149 IPC in that FIR along with all consequential proceedings arising therefrom, qua petitioners in all the three cases, are quashed.

January 23, 2017

Paritosh Kumar

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No