

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

Crl. Misc. No. M-42110 of 2016 (O&M)

Date of decision: January 20, 2017

Hari Om and another

.. Petitioners

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

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

Mr. Jashanpreet Singh, Asstt. AG, Punjab.

Mr. Gagandeep Singh, Advocate
for respondents No.2 to 6.

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.111 dated 24.09.2016 (Annexure P-1), registered for offences punishable under Sections 452, 341, 506, 323, 148 read with Section 149 of Indian Penal Code (for short 'IPC') at Police Station Dhariwal, District Gurdaspur along with all consequential proceedings arising therefrom, on the basis of the compromise (Annexure P-2).

As per case of the prosecution, on 23.09.2016, petitioners along with some other persons armed with deadly weapons like *dangs*, *datars* etc., formed unlawful assembly, committed rioting and in prosecution of common object of that assembly caused simple hurt on the persons of

respondents No.2 to 6 by entering into the house of complainant Vishal and also committed criminal intimidation by threatening the complainant party.

Upon notice, Mr. Jashanpreet Singh, Assistant Advocate General, Punjab has put in appearance on behalf of respondent No.1-State and Mr. Gagandeep Singh, Advocate has put in appearance on behalf of respondents No.2 to 6-injured.

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 08.12.2016 stating therein that the compromise has been effected between the injured and the accused which appears to be voluntary in nature and without any pressure or influence.

Learned counsel for the respondents No.2 to 6 has submitted that in view of the compromise (Annexure P-2), the private respondents have no objection if the impugned FIR (Annexure P-1) is quashed. Learned State counsel has also not disputed compromise (Annexure P-2).

The only obstacle in the way of accepting the compromise for quashing the impugned FIR is that the offences punishable under Sections 148 and 452 IPC are 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, the instant petition is allowed and the impugned FIR No.111 dated 24.09.2016 (Annexure P-1) along with all consequential proceedings arising therefrom, qua petitioners, is quashed.

January 20, 2017

Sachin M.

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No