

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

***CRM No.M-42268 of 2016 (O&M)
Date of decision: 09.02.2017***

Dhan Singh & others

... Petitioners

Versus

State of Punjab & another

... Respondents

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

Present:- Mr. M.K. Singla, Advocate for
Mr. Dinesh Kumar, Advocate for the petitioners.

Mr. Neeraj Sharma, AAG, Punjab.

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TEJINDER SINGH DHINDSA, J.

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.150 dated 26.12.2014 under Sections 269/283/34 IPC registered at Police Station Chhajli, District Sangrur on the basis of compromise, which is stated to have been entered into between the parties.

Since quashing was sought on the basis of compromise, this Court on 28.11.2016 had directed the parties to appear before the Illaqa Magistrate concerned for recording of their statements in support of the compromise and a veracity report was called for.

Placed on record is a report dated 20.12.2016 of the learned Chief Judicial Magistrate 1st Class, Sunam and a perusal of the same would reveal that statements of the complainant, Sadhu Singh/respondent No.2 herein as also the accused party i.e. the petitioners herein have been duly recorded and it has been opined that a settlement has been arrived at between the parties voluntarily and with free consent.

Even though as per service report, the complainant/respondent No.2 stands duly served yet there is no representation on his behalf.

This Court in appropriate cases can exercise the power under Section 482 Cr.P.C. for quashing of criminal proceedings/FIR on the basis of compromise. A reference in this regard may be made to a Full Bench decision of this Court in ***Kulwinder Singh & others Vs. State of Punjab & others, 2007 (3) RCR (Criminal) 1052.***

Adverting back to the facts of the present case, the dispute is with regard to use of a passage abutting the land of the complainant.

In my considered view, in the light of the compromise having been effected, it would be a fit case for exercise of power under Section 482 Cr.P.C. to bring to an end the criminal prosecution launched on account of the impugned FIR as the same would remote peace and harmony amongst neighbours residing in a village.

For the reasons recorded above, the present petition is allowed. FIR No.150 dated 26.12.2014 under Sections 269/283/34 IPC registered at Police Station Chhajli, District Sangrur and all proceedings emanating therefrom stand quashed.

Petition allowed in the aforesaid terms.

09.02.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |