

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

Crl. Misc. No. M-42391 of 2016 (O&M)

Date of decision: February 20, 2017

Baldev Singh and another

.. Petitioners

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Arun Abrol, Advocate
for the petitioners.

Ms. Shivali, Asstt. AG, Punjab.

Mr. Prminder Singh, Advocate
for respondents No.2 to 4.

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.38 dated 24.05.2016 (Annexure P-1), registered for offences punishable under Sections 323, 447, 506, 148 read with Section 149 Indian Penal Code (for short 'IPC') at Police Station Julkan, District Patiala along with all consequential proceedings arising therefrom, on the basis of the compromise (Annexure P-2).

As per case of the prosecution, the petitioners accompanied by ten other companions have entered the house of the complainant and caused injuries to Baldev Singh and his brothers Gurdial Singh and Pal Singh.

Learned counsel for the petitioners submits that the matter has

since been compromised.

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 13.12.2016 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 respondents No.2 to 4 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 offence punishable under Section 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, the instant petition is allowed and the impugned FIR No.38 dated 24.05.2016 (Annexure P-1) along with all consequential proceedings arising therefrom, qua petitioners, is quashed.

February 20, 2017

Sachin M.

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No