

Sr. No.265
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-42741 of 2016 (O&M)

Date of Decision:08.03.2017

Jagjit Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

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

Present:- Mr. Talwinder Singh, Advocate,
for the petitioners.

Mr. Varun Sharma, AAG, Punjab.

Mr. Jagpal Singh, Advocate,
for the complainant/respondent No.2.

TEJINDER SINGH DHINDSA, J.(ORAL)

Instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.88 dated 20.08.2016, under Sections 323, 324, 506, 148, 149 of Indian Penal Code, registered at Police Station Sadar Rupnagar, District Rupnagar.

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

Placed on record is a report dated 21.02.2017 of the learned Chief Judicial Magistrate, Rupnagar and a perusal of the same would reveal that the statements of the complainant, namely, Vishal Kumar/respondent No.2 herein as also the accused party (petitioners herein) have been duly recorded and it has been opined that a compromise has been arrived at without any inducement, threat or coercion.

It may be noticed that the FIR had been registered against four

assailants by name and four unidentified persons. The present petitioners are the accused that the petitioners had specifically named.

Mr. Jagpal Singh, Advocate who represents the complainant/respondent No.2 also submits that in view of the settlement arrived at, he would have no objection to the quashing of the FIR.

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.

Adverting back to the facts of the present case, the injuries suffered by the complainant were opined to be simple in nature. The accused as also the complainant are residents of the same locality. Continuation of criminal prosecution in spite of compromise would amount to an abuse of the process of law as also of the Court.

In view of the above, the present petition is allowed. FIR No.88 dated 20.08.2016, under Sections 323, 324, 506, 148, 149 of Indian Penal Code, registered at Police Station Sadar Rupnagar, District Rupnagar and all proceedings emanating therefrom stand quashed qua the present petitioners.

Petition is allowed in the aforesaid terms.

08.03.2017

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned

Yes

Whether Reportable

No