

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-42930 of 2016 (O&M)
Date of Decision: 02.02.2017

Billa Masih and others

--Petitioners

Versus

State of Punjab and another

--Respondents

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

Present:- Mr. Vipin Mahajan, Advocate for the petitioners.

Mr. Varun Sharma, A.A.G., Punjab.

Mr. Vishal Munjal, Advocate
for the complainant/respondent no.2.

TEJINDER SINGH DHINDSA.J

The instant petition has been filed under Section 482 Cr.P.C seeking quashing of F.I.R. No.46 dated 09.06.2014 under sections 326, 324, 506, 34 I.P.C, registered at Police Station Tibber, District Gurdaspur.

Since quashing was sought on the basis of compromise, parties had been directed to appear before the Trial Court/Illaq Magistrate for getting their statements recorded in support of the compromise.

Placed on record is the report dated 06.01.2017 of the A.C.J.M, Gurdaspur and a perusal of the same would reveal that the statements of the complainant Ramesh Masih (respondent no.2 herein) as also the accused i.e. the petitioners herein have been duly recorded and it has been opined that a compromise has been arrived at without undue influence, coercion or threat.

Counsel appearing for respondent no.2 also makes a statement that in the light of the compromise, he would have no objection to the quashing of the FIR.

It is, by now, well settled that in appropriate cases, this Court in exercise of power under Section 482 Cr.P.C would intervene to bring to an end criminal proceedings even in relation to offences, which are non-compoundable. A reference in this regard may be made to a Full Bench judgement of this Court rendered in case of **Kulwinder Singh and others Vs. State of Punjab and another, 2007 (3) R.C.R (Criminal) 1052.**

It would be apposite to take note that even though, FIR had been initially registered even under Section 326 I.P.C but at the stage of framing of charge Section 326 I.P.C had not been cited.

Adverting back to the facts of this case, I am of the considered view that continuation of criminal prosecution in pursuance to the impugned F.I.R would be nothing but an abuse of the process of law.

Accordingly, the present petition is allowed. F.I.R. No.46 dated 09.06.2014 under sections 326, 324, 506, 34 I.P.C, registered at Police Station Tibber, District Gurdaspur and all proceedings emanating therefrom stand quashed on the basis of compromise having been entered into between the parties.

Petition allowed.

(TEJINDER SINGH DHINDSA)
JUDGE

02.02.2017

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Whether speaking/reasoned:	Yes
Whether Reportable:	No