

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

CRM No.M-42869 of 2015 (O&M)

Date of decision: 09.03.2017

Dalip Kumar Sukhija

... Petitioner

Versus

State of Punjab & others

... Respondents

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

Present: Mr. Akhilesh Vyas, Advocate for the petitioner.

Mr. Varun Sharma, AAG, Punjab.

Mr. Kushagra Mahajan, Advocate for the complainant.

TEJINDER SINGH DHINDSA, J.

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.187 dated 27.10.2015 under Sections 323/324/295/427/506/148/149 IPC (Sections 325/326 IPC added subsequently), registered at Police Station E-Division, District Amritsar 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 11.08.2016 had directed the parties to appear before the Illaqa Magistrate concerned for recording of their statements in support of the compromise. A veracity report was also called for.

Placing on record is a report dated 19.09.2016 of the learned Additional Chief Judicial Magistrate, Amritsar and a perusal of the same would reveal that the statements of the complainant party i.e. respondents No.2 & 3 as also of the accused/present petitioner herein have been duly recorded and it has been opined that a compromise has been arrived at without any pressure, undue influence or coercion. The report is

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accompanied by the statements of the parties which were duly recorded.

Mr. Kushagra Mahajan, Advocate, who represents the complainant party/respondents No.2 & 3 also makes a statement that the compromise having been effected, he would have no objection to the quashing of the FIR.

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, it is apparent that the accused/petitioner was earlier in a partnership with respondent No.2 while doing the business of mobile phones but such partnership having not worked out resulted in an altercation. The dispute apparently is on account of a petty dispute.

In the considered view of this Court, it would be an appropriate case for exercise of power under Section 482 Cr.P.C. and to bring to an end the criminal prosecution initiated in the light of the impugned FIR.

For the reasons recorded above, the present petition is allowed. FIR No.187 dated 27.10.2015 under Sections 323/324/295/427/506/148/149 IPC (Sections 325/326 IPC added subsequently), registered at Police Station E-Division, District Amritsar and all proceedings emanating therefrom stand quashed.

Petition allowed in the aforesaid terms.

09.03.2017

(TEJINDER SINGH DHINDSA)

harjeet

JUDGE

i) Whether speaking/reasoned?

Yes

ii) Whether reportable?

No