

CRM-M No.43883 of 2016
Date of Decision: February 28, 2017

Sandeep Saini and others **Petitioner(s)**

Versus

State of Punjab and others Respondent(s)

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. M. S. Bajwa, Advocate
for the petitioners.

Mr. Varun Sharma, AAG, Punjab
for respondent No.1-State.

Mr. Dhawaljeet Dutta, Advocate
for respondents No.2 and 3.

TEJINDER SINGH DHINDSA J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.318 dated 28.08.2014, under Sections 323 and 325 of IPC, registered at Police Station A-Division, District Amritsar on the basis of compromise.

Since quashing was sought on the basis of compromise, this Court while issuing notice of motion on 07.12.2016 had directed the parties to appear before the trial Court for recording of their statements and a report with regard to veracity of the compromise was called for.

Placed on record is a report dated 27.02.2017 of the learned Judicial Magistrate, Ist Class, Amritsar and a perusal of the same would reveal that the statements of the complainant party/respondent Nos.2 and 3 as also of the accused party i.e. petitioners herein have been duly recorded and it has been opined that a compromise has been entered into between the parties and which is voluntarily and without any threat or coercion.

Even Mr. Dhawaljeet Dutta, Advocate representing respondent Nos.2 and 3 concedes to the factum of the compromise and states that he has no objection to the quashing of the FIR in the light of settlement that has been arrived at.

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 alleged occurrence had taken place over a petty issue i.e. parking of the motorcycle in front of the gate of the complainant party.

Parties having arrived at a settlement and having compromised the matter, it would be a fit case for this Court to exercise power under Section 482 Cr.P.C. and to bring to an end the criminal prosecutions initiated in the light of impugned FIR as it would promote peace and harmony amongst the neighbours.

For the reasons recorded above, the present petition is allowed.

FIR No.318 dated 28.08.2014, under Sections 323 and 325 of IPC, registered at Police Station A-Division, District Amritsar and all proceedings emanating therefrom stand quashed qua the present petitioners.

Petition is allowed in the aforesaid terms.

February 28, 2017

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(TEJINDER SINGH DHINDSA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No