

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

**CRM No.M-44610 of 2016 (O&M)
Date of decision: 07.03.2017**

Gurpreet Singh @ Gopi & others

... Petitioners

Versus

State of Punjab & another

... Respondents

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

Present: Ms. Manjari Joshi, Advocate for the petitioners.

Mr. Varun Sharma, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.11 dated 26.01.2012 under Sections 323/324 read with Section 34 IPC (Section 326 IPC added subsequently) registered at Police Station Bilga, District Jalandhar on the basis of compromise, which as per counsel has been entered into between the parties.

Since quashing was sought on the basis of compromise, this Court had directed the parties to appear before the trial Court on 16.01.2017 for recording of their statements in support of the compromise.

Placed on record is a report dated 19.01.2017 of the Judicial Magistrate 1st Class, Phillaur, District Jalandhar and a perusal of the same would reveal that statements of the complainant, namely, Atma Ram @ Harjinder Singh 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 pressure or coercion. The report of the trial Court is accompanied by the statements of the parties duly recorded.

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, the occurrence has taken place on 25.01.2012 amongst the residents of the same colony. The motive attributed is that the accused party had been creating terror in the *mohalla* by bringing boys from outside and thereby create trouble in the *Janjghar* and the complainant along with other residents were preventing them from doing so.

In the considered view of this Court, it would be an appropriate case to intervene in exercise of the powers under Section 482 Cr.P.C. and to bring to an end the criminal prosecution that had been initiated in the light of the impugned FIR. Bringing to an end the prosecution would certainly promote peace and harmony amongst the residents of the same *mohalla*.

For the reasons recorded above, the present petition is allowed. FIR No.11 dated 26.01.2012 under Sections 323/324 read with Section 34 IPC registered at Police Station Bilga, District Jalandhar and all proceedings emanating therefrom qua the present petitioners stand quashed.

Petition allowed in the aforesaid terms.

07.03.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

- | | | |
|-----|----------------------------|-----|
| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |