

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44634-2016

Date of decision : 17.02.2017

Sukhwinder Singh @ Sawinder Singh and others ...Petitioners

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Anupam Bhardwaj, Advocate, for the petitioners.

Ms. Shivali, Assistant Advocate General, Punjab,
for respondent No.1.

None for respondent No.2.

TEJINDER SINGH DHINDSA J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.168 dated 05.11.2016, under Sections 323, 325, 452 and 34 of Indian Penal Code, registered at Police Station Sadar, Tarn Taran.

Since quashing was sought on the basis of compromise, this Court while issuing notice of motion on 14.12.2016 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 also called for.

Placed on record is a report dated 17.01.2017 of the learned Chief Judicial Magistrate, Tarn Taran, and a perusal thereof would reveal that the statements of complainant/respondent No.2-Jagir Kaur as also of the accused/petitioners have been duly recorded and it has been opined that a compromise has been entered into between the parties and which is without any pressure and coercion.

respondent No.2 has been duly served but no representation has been caused on her behalf.

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, it may be noticed that the incident took place amongst neighbours of the same village.

Under such circumstances, this Court finds it to be a fit case to intervene in exercise of its powers under Section 482 Cr.P.C. and to recognize the compromise that has been entered into between the parties so as to ensure peace and harmony amongst residents of the village. Continuation of criminal proceedings under such circumstances would be a futile exercise and would be construed as an abuse of the process of law as also of the Court.

For the reasons recorded above, the present petition is allowed. FIR No.168 dated 05.11.2016, under Sections 323, 325, 452 and 34 of Indian Penal Code, registered at Police Station Sadar, Tarn Taran, and all proceedings emanating therefrom stand quashed.

Petition is allowed.

(TEJINDER SINGH DHINDSA)
JUDGE

17.02.2017
adhikari

Whether speaking/reasoned : ***Yes/No***

Whether Reportable : ***Yes/No***