

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

**CRM No.M-45623 of 2016 (O&M)
Date of decision: 28.03.2017**

Mangal Singh @ Manga & another

... Petitioners

Versus

State of Punjab & another

... Respondents

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

Present: Mr. Aditya Dassaur, Advocate for the petitioners.

Mr. P.S. .Madahar, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.75, dated 06.07.2015, under Sections 324/323/34 IPC, registered at Police Station Fattudhinga, District Kapurthala 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 while issuing notice of motion on 21.12.2016 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.

Placed on record is a report dated 24.01.2017 of the Sub Divisional Judicial Magistrate, Sultanpur Lodhi and a perusal thereof would reveal that statements of the complainant, namely, Jitto Bai as also of the accused, namely, Mangal Singh @ Manga and Jagir Singh @ Kala (petitioners herein) have been duly recorded and it has been opined that the

compromise has been entered into voluntarily and without any pressure or coercion.

Service report indicates that the complainant/respondent No.2 was duly served. However, no representation has been caused on her behalf today.

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 had taken place for a petty issue as regards the alignment of the boundary between adjoining fields.

In the considered view of this Court acceptance of the compromise would promote peace and harmony amongst residents of the same village. Continuation of prosecution inspite of the compromise would be nothing but an abuse of the process of law as also of the Court.

For the reasons recorded above, the present petition is allowed. FIR No.75, dated 06.07.2015, under Sections 324/323/34 IPC, registered at Police Station Fattudhinga, District Kapurthala and all proceedings emanating therefrom are set aside.

Petition allowed in the aforesaid terms.

28.03.2017

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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