

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

**CRM No.M-45945 of 2016 (O&M)
Date of decision: 15.03.2017**

Kewal Singh & others

... Petitioners

Versus

State of Punjab & another

... Respondents

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

Present: Mr. Anil Kumar Spehia, Advocate for the petitioners.

Mr. Varun Sharma, AAG, Punjab.

Mr. D.K. Prajapati, Advocate for the complainant.

TEJINDER SINGH DHINDSA, J. (ORAL).

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.239, dated 27.09.2014, under Sections 323/324/34 IPC (Section 326 IPC added subsequently) registered at Police Station Shahkot, 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 while issuing notice of motion on 22.12.2016 had directed the parties to appear before the trial Court on 23.01.2017 for recording of their statements in support of the compromise. Veracity report was also called for.

Placed on record is a report dated 01.02.2017 of the Judicial Magistrate 1st Class, Nakodar and a perusal thereof would reveal that statements of the complainant/respondent No.2, Kuldeep Singh as also of the accused party i.e. petitioners herein have been duly recorded and it has been opined that the compromise has been effected voluntarily and without

any fear, pressure or coercion.

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 may be noticed that initially FIR was registered under Sections 323/324/34 IPC but offence under Section 326 IPC was added subsequently on the basis of medical opinion.

The complainant as also the accused party belong to the same village.

In the considered view of this Court, accepting the compromise would certainly promote peace and harmony amongst residents of the village. Continuation of prosecution would be construed as an abuse of process of law as well as of the Court.

For the reasons recorded above, the present petition is allowed. FIR No.239, dated 27.09.2014, under Sections 323/324/34 IPC (Section 326 IPC added subsequently) registered at Police Station Shahkot, District Jalandhar and all proceedings emanating therefrom are quashed.

Petition allowed in the aforesaid terms.

15.03.2017

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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