

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

CRM-M-46459-2016 (O&M)

Date of decision: February 21, 2017

Mohit Babbar and others

.. Petitioners

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr.Sandeep Roy, Advocate, for
Mr.Tarun Vir Singh Lehal, Advocate,
for the petitioners.

Mr.Ashish Sanghi, DAG, Punjab.

None for the complainant.

SURINDER GUPTA, J.(Oral)

The petitioners have filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No.10 dated 2.2.2016 (Annexure P-1), registered for offences punishable under Sections 323, 324 and 326 read with Section 34 of Indian Penal Code (for short 'IPC') at Police Station Dhariwal, Gurdaspur, along with all consequential proceedings arising therefrom, on the basis of the compromise (Annexure P-3).

As per prosecution case, the petitioner armed with a datar attacked the complainant (respondent No.2) on 28.1.2016 and caused him injuries including one which was declared as grievous in nature caused by

sharp edged weapon.

Upon notice and on the asking of the Court on 10.1.2017, Mr.C.S.Brar, Deputy Advocate General, Punjab put in appearance on behalf of respondent No.1-State and Mr.M.S.Saini, Advocate put in appearance on behalf of respondent No.2-complainant.

The parties were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 30.1.2017 stating therein that the compromise has been effected between the complainant and the accused which appears to be voluntary in nature and without any pressure or influence.

Learned State counsel has also not disputed compromise (Annexure P-3).

The only obstacle in the way of accepting the compromise for quashing the impugned FIR is that the offences punishable under Sections 324, 326 IPC are not compoundable. In case ***Kulwinder Singh vs. State of Punjab***, 2007 (3) RCR (Crl.) 1052, Full Bench of this Court has held that the FIR can be quashed on the basis of the compromise by exercising inherent powers under Section 482 Cr.P.C. even if the offence is not compoundable.

In the instant case, the compromise has been effected with the intervention of the respectables and the parties wish to live in peace and harmony.

Keeping all the above facts in view, I am of the considered opinion that it is a fit case in which the impugned FIR and DDR should be quashed. Keeping the case pending will not serve the ends of justice. The

quashing of the FIR and DDR will provide the parties to this petition an opportunity to live in an amicable, peaceful and harmonious atmosphere which is not only in the interest of the parties but also for their families and ultimately the society at large.

In view of the above discussion, the instant petition is allowed and the impugned FIR No.10 dated 2.2.2016 (Annexure P-1) and DDR No.42 dated 25.2.2016 (Annexure P-2) vide which offence punishable under Section 326 IPC was added, along with all consequential proceedings arising therefrom, are quashed qua the petitioners.

February 21, 2017

Paritosh Kumar

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No