

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-9360 of 2016 (O&M)

Date of Decision: 20.01.2017

Nishan Singh @ Sunny and others

--Petitioners

Versus

State of Punjab and another

--Respondents

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

Present:- Mr. Vaibhav Narang, Advocate for the petitioners.

Mr. Varun Sharma, A.A.G., Punjab.

Mr. Subhash Chand, Advocate for Complainant.

TEJINDER SINGH DHINDSA.J

The instant petition has been filed under Section 482 Cr.P.C seeking quashing of F.I.R. No.422 dated 30.11.2015 under sections 341, 323, 324, 34 I.P.C registered at Police Station Civil Lines, District Amritsar City.

Since quashing of the FIR was sought on the basis of compromise, this Court had directed the parties to appear before the Illaqa Magistrate concerned for recording of their statements and a report as regards veracity of the compromise had been called for.

Placed on record is a report dated 21.04.2016 of the learned C.J.M, Amritsar and a perusal of the same would reveal that the statements of the accused party i.e. the petitioners herein as also the complainant/injured namely Arjan Singh son of Gian Singh have been duly recorded and it has been opined that the settlement has been arrived at without any pressure or coercion.

It may be noticed that on a previous date of hearing i.e. on 30.5.2016 learned State counsel had been directed to file a report as regards nature of offence made out during the course of investigation keeping in view the allegation that the complainant/injured had suffered a *Kirch* blow on the head.

In response to such directions, a status report by way of affidavit of the A.C.P. (North), Amritsar City has been placed on record and as per which it is reported that the complainant/respondent no.2 had chosen not to get his medico legal X-ray conducted and as such, all the injuries sustained by the complainant have been opined to be simple in nature.

Learned counsel appearing for the complainant makes a statement that in the light of the compromise having been effected, he would have no objection to the F.I.R being quashed.

It is, by now, well settled that in appropriate cases, this Court in exercise of power under Section 482 Cr.P.C would intervene to bring to an end criminal proceedings even in relation to offences, which are non-compoundable. A reference in this regard may be made to a Full Bench judgement of this Court rendered in case of **Kulwinder Singh and others Vs. State of Punjab and another, 2007 (3) R.C.R (Criminal) 1052.**

Adverting back to the facts of this case, I am of the considered view that continuation of criminal prosecution in pursuance to the impugned F.I.R would be nothing but an abuse of the process of law.

Accordingly, the present petition is allowed. F.I.R. No.422 dated 30.11.2015 under sections 341, 323, 324, 34 I.P.C registered at Police Station Civil Lines, District Amritsar City and all proceedings emanating therefrom stand quashed on the basis of compromise having been entered into between the parties.

Petition is allowed.

(TEJINDER SINGH DHINDSA)
JUDGE

20.01.2017
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Whether speaking/reasoned: Yes
Whether Reportable: Yes