

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

**CRM No.M-5601 of 2017 (O&M)
Date of decision: 02.05.2017**

Ajay Pal & others

... Petitioners

Versus

State of Punjab & another

... Respondents

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

Present: Mr. Rajesh Kapila, Advocate for the petitioners.

Mr. Neeraj Sharma, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.35 dated 18.10.2016, under Sections 324/323/148/149 IPC, registered at Police Station Bhaini Mian Khan, District Gurdaspur.

Since quashing was sought on the basis of compromise, this Court while issuing notice of motion on 20.02.2017 had directed the parties to appear before the Illaqa Magistrate concerned on 15.03.2017 for recording of their statements in support of the compromise.

Placed on record is a report dated 16.03.2017 of the Judicial Magistrate 1st Class, Gurdaspur and a perusal of the same would reveal that statement of the complainant/respondent No.2, Mandeep Masih as also the accused party i.e. the petitioners herein have been duly recorded and it has been opined that a compromise has been effected 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 noted that even as per version of the complainant, earlier in point of time also a quarrel had took place between the parties and which had been got compromised but the accused party were still nursing a grudge. Now with the intervention of the respectables, a compromise has been thrashed out.

In the considered view of this Court, it would be a fit case to intervene in exercise of the powers under Section 482 Cr.P.C. and to bring to an end the prosecution initiated in the light of the impugned FIR. Continuation of prosecution would be seen as an abuse of the Court as also of the law.

For the reasons recorded above, the present petition is accepted. FIR No.35 dated 18.10.2016, under Sections 324/323/148/149 IPC, registered at Police Station Bhaini Mian Khan, District Gurdaspur and all proceedings emanating therefrom stand quashed.

Petition allowed in the aforesaid terms.

02.05.2017

Harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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