

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

**CRM No.M-5726 of 2017 (O&M)
Date of decision: 02.05.2017**

Gagandeep Singh & another

... Petitioners

Versus

State of Punjab & another

... Respondents

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

Present: Mr. HPS Bhinder, Advocate for
Mr. Ramesh Sharma, Advocate for the petitioners.

Mr. Neeraj Sharma, AAG, Punjab.

Mr. A.P.S. Bhinder, Advocate
for the complainant/respondent No.2.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.114, dated 27.11.2016, under Sections 458/341/323/427/34 IPC, registered at Police Station Rureke Kalan, District Barnala.

Since quashing was sought on the basis of compromise, this Court while issuing notice of motion on 21.02.2017 had directed the parties to appear before the trial Court on 15.03.2017 for recording of their statements in support of the compromise.

Placed on record is a report dated 17.03.2017 of the Additional Chief Judicial Magistrate, Barnala and a perusal of the same would reveal that statements of the complainant/respondent No.2, Bikar Singh 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.

Even Mr. A.P.S. Bhinder, Advocate appearing on behalf of the complainant/respondent No.2 also submits in Court today that he would have no objection to the FIR being quashed on the basis of compromise.

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 complainant and accused party are not only residents of the same village but even are closely related and the occurrence had took place over a minor and petty altercation.

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.114, dated 27.11.2016, under Sections 458/341/323/427/34 IPC, registered at Police Station Rureke Kalan,

District Barnala and all proceedings emanating therefrom stand quashed.

Petition allowed in the aforesaid terms.

02.05.2017

(TEJINDER SINGH DHINDSA)
JUDGE

Harjeet

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