

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

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CRM-M-8318 of 2017

Date of Decision: April 25, 2017

Mankaran Singh @ Mankiran Singh and others

....Petitioners

vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Tajinder Pal Singh Makkar, Advocate
for the petitioners.

Mr. Varun Sharma, AAG, Punjab.

Mr. Manpreet Singh Sidhu, Advocate
for respondents No.2 and 3.

TEJINDER SINGH DHINDSA, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.166 dated 24.11.2016, under Sections 364/452/336/148/149 IPC and under Sections 25/27 of the Arms Act, registered at Police Station City Malout, District Sri Muktsar Sahib.

Since quashing of the impugned FIR was sought on the basis of compromise, this Court while issuing notice of motion on 10.03.2017, had directed the parties to appear before the Illaqa Magistrate/trial Court for recording of the statements and a veracity report had been called for.

Placed on record is a report dated 21.04.2017 of the Sub Divisional Judicial Magistrate, Malout and a perusal thereof

would reveal that the statements of the complainants/respondents No.2 and 3 herein as also of the accused party i.e. petitioners herein, have been duly recorded and it has been opined that the compromise has been entered into without any pressure or coercion.

Even Mr. Manpreet Singh Sidhu, Advocate, representing the complainant party i.e. respondents No.2 and 3 concedes to the factum of compromise and states that he would have no objection to the quashing of FIR.

This Court in appropriate case 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 and others Vs. State of Punjab & others, 2007 (3) RCR (Criminal) 1052.***

Suffice it to observe that respondents No.2 and 3 herein were a run away couple having got married against the wishes of the elders and had subsequently filed a protection petition before this Court. FIR has been got registered at the instance of Lakhveer Singh-respondent No.2 and against the close relatives of his own wife i.e. Rasanpreet Kaur/respondent No.3, on the allegations that inspite of a protection order having been passed by this Court yet his wife has been forcibly taken away.

Court has been apprised that the matter has been amicably settled, respondents No.2 and 3 are staying together as a married couple and the petitioners herein are not objecting to their matrimonial relationship.

This Court is of the considered view that it would be a fit case to intervene in exercise of its powers under Section 482 Cr.P.C. and to bring to an end of criminal proceedings launched

on account of registration of the impugned FIR. Continuation of criminal proceedings under such circumstances would be a futile exercise and would be construed as an abuse of the process of law as also of the Court.

In view of the discussion above, FIR No.166 dated 24.11.2016, under Sections 364/452/336/148/149 IPC and Sections 25/27 of the Arms Act, registered at Police Station City Malout, District Sri Muktsar Sahib and all other proceedings emanating therefrom stand quashed.

Petition is allowed.

(TEJINDER SINGH DHINDSA)
JUDGE

25.04.2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No