

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

CRM-M- 3024 of 2017 (O&M)

Date of decision: February 14, 2018

Pritam Singh & Ors.

.....Petitioners

Versus

State of Punjab & Ors.

.....Respondents

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. V.K. Kaushal, Advocate, for the petitioners.

Mr. A.S. Dhaliwal, DAG, Punjab.

Mr. Prashant Vashishth, Advocate, for respondent Nos. 2 & 3.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition is filed praying for quashing FIR No. 77 dated 22.05.2014 registered under Sections 326, 323, 341, 148 and 149 IPC at Police Station Kamboh, District Amritsar (Rural), on the basis of compromise entered into between the parties.

2. Heard.

3. Both the parties were directed by this Court vide order dated 07.09.2017 to appear before the learned Illaqa Magistrate/trial Court and get their statements recorded and in pursuance thereof, learned Judicial Magistrate Ist Class, Amritsar, recorded the statements of both the parties and submitted a report dated 04.10.2017. A perusal of the report reveals

that the compromise entered into between the parties is voluntary and without any fear, coercion, inducement or threat. Even as on today the parties are not disputing the factum of compromise arrived at between them.

4. Hon'ble Supreme Court in case titled as ***Yogendra Yadav and others vs. State of Jharkhand and another, 2014(9) SCC 653*** has held as under:-

“4. Now, the question before this Court is whether this Court can compound the offences under Sections 326 and 307 of the IPC which are non-compoundable? Needless to say that offences which are non-compoundable cannot be compounded by the court. Courts draw the power of compounding offences from Section 320 of the Code. The said provision has to be strictly followed (Gian Singh v. State of Punjab). However, in a given case, the High Court can quash a criminal proceeding in exercise of its power under Section 482 of the Code having regard to the fact that the parties have amicably settled their disputes and the victim has no objection, even though the offences are non-compoundable. In which cases the High Court can exercise its discretion to quash the proceedings will depend on facts and circumstances of each case. Offences which involve moral turpitude, grave offences like rape, murder etc. cannot be effaced by quashing the proceedings because that will have harmful effect on the society. Such offences cannot be said to be restricted to two individuals or two groups. If such

offences are quashed, it may send wrong signal to the society. However, when the High Court is convinced that the offences are entirely personal in nature and, therefore, do not affect public peace or tranquility and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, the prosecution becomes a lame prosecution. Pursuing such a lame prosecution would be waste of time and energy. That will also unsettle the compromise and obstruct restoration of peace.”

5. Learned State counsel on instructions from ASI Kabal Singh, P.S. Amritsar, has submitted that cancellation report has been submitted on 14.03.2015. No objection has been raised by the learned State counsel on a specific query put to him by the Court with regard to quashing of the FIR as well as all other consequential proceedings on the basis of the compromise effected between the parties in this case.

6. In view of above, the impugned FIR version and all consequent proceedings resulting therefrom are hereby quashed qua petitioner(s).

7. Petition is allowed.

(MAHABIR SINGH SINDHU)
JUDGE

February 14, 2018
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| 1. | Whether reportable? | Yes / No |
| 2. | Whether reasoned / speaking? | Yes / No |