

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

**CRM-M-32352-2017
Date of decision:15.2.2018**

Malkiat Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Karan Bhardwaj, Advocate for
Mr. Amit Arora, Advocate
for the petitioners.

Mr. Tanvir Joshi, AAG, Punjab
for respondent No.1.

Mr. Parminder Singh Kanwar, Advocate
for respondents No.2 and 3.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition is filed praying for quashing FIR No.85 dated 25.5.2014, under Sections 323, 324, 506, 326, 34 IPC registered at Police Station Jhabhal, District Tarn Taran, on the basis of compromise entered into between the parties.

2. Heard.

3. Both the parties were directed by this Court vide order dated 31.8.2017 to appear before the learned Illaqa Magistrate/trial Court and

get their statements recorded and in pursuance thereof, learned Additional Chief Judicial Magistrate, Tarn Taran, recorded the statements of both the parties and submitted a report dated 25.1.2018. 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. It is jointly stated by learned counsel for the parties that *although Section 326 IPC is incorporated later on but as a matter of fact there is no injury on the vital part of the body.*

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. 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. Inasmuch as the dispute between the parties has been amicably settled and they have already entered into compromise, and the fact that no objection has been raised by the State, continuance of the

prosecution would be an exercise in futility. Therefore, the aforesaid FIR and all consequent proceedings resulting therefore are quashed qua petitioner(s).

7. Petition is allowed.

15.2.2018
Gaurav Sorot

(MAHABIR SINGH SINDHU)
JUDGE

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| 1. | Whether reportable? | Yes |
| 2. | Whether reasoned / speaking? | Yes |