

**(2012) 07 P&H CK 0130**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** Criminal Miscellaneous No. M-14023 of 2012

Sukhwinder Singh @ Kaka

APPELLANT

Vs

State of Punjab and another

RESPONDENT

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**Date of Decision:** July 18, 2012

**Acts Referred:**

- Penal Code, 1860 (IPC) - Section 307, 323, 324, 326, 34

**Hon'ble Judges:** M.M.S. Bedi, J

**Bench:** Single Bench

**Advocate:** B.P.S. Virk, for the Appellant; Abhishek Chautala, Assistant Advocate General, Punjab for the respondent No. 1 and Mr. Sarabjit Singh Sidhu, Advocate, for the Respondent

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**Judgement**

M.M.S. Bedi, J.

The petitioner alongwith other was roped in a criminal case FIR No. 306 dated 7.9.2004 registered under Sections 326, 324, 452, 323, 427, 504, 307, 34 IPC at Police Station Banga, District S.B.S. Nagar, alongwith all consequent proceedings emanating therefrom. The Court of Sessions, though, has acquitted the co-accused under Sections 307, 341 IPC, however, convicted him under Sections 326, 323 and 324 IPC. The petitioner being a proclaimed offender, subsequently, surrendered before the Court concerned and is now facing trial. Though the instant petition, the petitioner seeks quashing of the FIR as he has been charged under Sections 452, 323, 341 and 506 IPC.

2. It has been informed that the appeal of co-accused of the petitioner is pending before this Court. It has also been informed that the petitioner is now an NRI and the matter has been compounded.

3. I have taken into account the facts and circumstances of the case and am of the opinion that criminal proceedings and FIR qua the petitioner cannot be partially quashed but at the same time, taking into consideration the fact that the matter has

been compounded and the petitioner has been charged under Sections 452, 323, 341 and 506 IPC, the permission can be granted for compounding all the offences before the Trial Court. Prima facie, offence u/s 452 IPC is not made out as the co-accused of the petitioner stands acquitted u/s 452 IPC. In view of the above, this petition is disposed of holding that the present petition for quashing the FIR is not maintainable, however, in case the petitioner and complainant approach the Trial Court for compounding all the offences, the Trial Court is granted the permission to permit the parties to compound the offences and pass appropriate orders in accordance with law.