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(2009) 04 P&H CK 0331

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M- 7180 of 2009

Satnam Singh and another		APPELLANT
	Vs	
State of Punjab and other		RESPONDENT

Date of Decision: April 30, 2009

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 482
- Penal Code, 1860 (IPC) - Section 323

Citation: (2009) 5 RCR(Criminal) 540

Hon'ble Judges: Rajiv Bhalla, J

Bench: Single Bench

Advocate: Som Nath Saini, for the Appellant; C.S. Brar, DAG, Punjab, For the Respondents No. 2 Mr. Chandan Singh Rana, for the Respondent

Final Decision: Allowed

Judgement

Rajive Bhalla, J.
Prayer in this petition, filed u/s 482 of the Code of Criminal Procedure, is for quashing of the FIR No. 231, dated 19.09.2007, registered under Sections 323, 341, 506, 148, 149 of the Indian Penal Code and Sections 3, 4 of the Scheduled Castes and the Scheduled Tribes, of Atrocities Act, 1989, at Police Station City Rajpura, District Patiala, and all subsequent proceedings emanating therefrom, on the basis of a compromise.

2. Counsel for the petitioners and counsel for respondent No. 2, the complainant, pray that as parties have settled their differences and have executed a compromise, the FIR and all proceedings arising therefrom be quashed.

3. The complainant, Pardeep Kumar alias Montu son of Shri Ram Saran is present in Court and has been duly identified by his counsel. He acknowledges the correctness of

the compromise, the affidavit and states that he has no objection, if the FIR and all proceedings arising therefrom are quashed.

4. Counsel for the State of Punjab submits that as the parties have entered into a compromise, the State does not oppose the prayer for quashing of the FIR and all subsequent proceedings arising therefrom.

5. I have heard counsel for the parties, perused the affidavit dated 10.03.2009 and am of the considered opinion that the petitioners and respondent No. 2 have resolved their differences by a bonafide compromise, free from any fraud, coercion or undue influence.

6. A compromise or a settlement serves the immediate purpose of the parties, as it enables them to proceed with their lives without ill-will or rancour and in peace and harmony. In view of the compromise, the prosecution witnesses are not likely to support the prosecution and therefore to permit the prosecution to carry on would, in my considered opinion be an exercise in futility and an unnecessary wastage of public money and valuable Court time. A Full Bench of this Court in Kulwinder Singh and Others v. The State of Punjab reported as 2007 (3) RCR (Crl.) 1052 has held that, in the exercise of powers u/s 482 of the Code of Criminal Procedure, High Court may in appropriate cases, quash an FIR disclosing the commission of non-compoundable offences.

7. In view of what has been stated hereinabove, as the prayer for quashing of the FIR and all subsequent proceedings emanating therefrom, does not suffer from any legal impediment, the present petition is allowed and the FIR No. 231, dated 19.09.2007, registered under Sections 323, 341, 506, 148, 149 of the Indian Penal Code and Sections 3, 4 of the SC/ST of Atrocities Act, 1989, at Police Station City Rajpura, District Patiala and all consequent proceedings emanating therefrom are quashed.