

(2012) 08 P&H CK 0253

High Court Of Punjab And Haryana At Chandigarh

Case No: CRM M 17167 of 2012 (O and M)

Bhupinder Singh and Others

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision: Aug. 21, 2012

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 482
- Penal Code, 1860 (IPC) - Section 406, 494, 498A

Hon'ble Judges: Paramjeet Singh, J

Bench: Single Bench

Advocate: Amit Saini, for the Appellant; Jaspreet Kaur, AAG, Punjab and Mr. Atul Goyal, Advocate, for the Respondent

Final Decision: Allowed

Judgement

Paramjeet Singh, J.

Present petition has been filed u/s 482 Cr.P.C. for quashing of FIR No. 15 dated 08.02.2008, under Sections 406, 498A, 494 IPC, registered at Police Station Samrala and all subsequent proceedings arising therefrom on the basis of compromise dated 07.05.2012 (Annexure P/2). Learned counsel for the petitioners has relied upon a judgment of this Court in the matter of Bhupinder Kaur vs. State of Punjab and another, 2004 (2) RCR (Cri) 443 to contend that there is no reasonable likelihood of the accused being convicted for the offence for the reason that the complainant has compromised the matter with the accused and he is not likely to support the prosecution and from other facts and circumstances available on the record, therefore, it would not be in the interest of justice to decline the prayer for quashing of the FIR on the ground that it would amount to be permitting the parties to compound non-compoundable offence.

2. Learned counsel for respondent No. 2 - complainant, on instructions from Gurpreet Kaur-complainant, who is present in Court today, states that the

complainant would have no objection, if the present FIR along with consequential proceedings, arising out of it, are quashed.

3. Respondent No. 2 - Gurpreet Kaur has already filed her affidavit dated 06.08.2012 to the above effect.

4. Consequently, in view of compromise (Annexure P/2) and keeping in view the law laid down by the Hon"ble Apex Court in the case of Madan Mohan Abbot vs. State of Punjab, 2008 (2) RCR (Cri) 429, by the Full Bench judgment of this Court in the case of Kulwinder Singh and others vs. State of Punjab and another, 2007 (3) RCR (Crl.) 1052, and judgment of this Court in Bhupinder Kaur's case (supra) no useful purpose would be served in prolonging the litigation. Present petition is allowed. FIR No. 15 dated 08.02.2008, under Sections 406, 498A, 494 IPC, registered at Police Station Samrala and all the criminal proceedings arising out of the said FIR also stand quashed.