

(2013) 08 P&H CK 0743

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-14546 of 2013

Robert @ Soni

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision: Aug. 13, 2013

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 482
- Penal Code, 1860 (IPC) - Section 380, 457

Hon'ble Judges: T.P.S. Mann, J

Bench: Single Bench

Advocate: Rishav Jain, for the Appellant; S.S. Chaudhary, D.A.G., Punjab, for the Respondent

Judgement

T.P.S. Mann, J.

The petitioner has filed the present petition u/s 482 Cr.P.C. so as to seek quashing of FIR No. 205 dated 12.8.2003, registered at Police Station, Malerkotla, District Sangrur, under Sections 457 and 380 IPC and all the subsequent proceedings arising therefrom on the basis of compromise. While issuing notice, this Court vide order dated 04.5.2013 directed the parties to present themselves before the trial Court for getting their statements recorded with regard to the compromise. The trial Court was directed to record the statements of both the parties to its satisfaction to know the genuineness that the statements were not the result of pressure or coercion in any manner. It was also directed to send the report along with statements of the parties.

2. Report has been received from the Judicial Magistrate 1st Class, Malerkotla, wherein it has been stated that in compliance with the direction issued by this Court, statements of respondent No. 2-complainant and the petitioner-accused were recorded, in which they admitted the factum of compromise. After going through the statements made by the parties, the Court was of the opinion that they had

voluntarily entered into the compromise without any pressure or coercion. The statements of the parties have been appended with the report.

3. Both the offences alleged against the accused are non-compoundable. However, in view of the fact that the parties have since reconciled their differences and entered into a compromise without there being any pressure or coercion and have also got recorded their statements before the trial Court, this Court is of the view that the inherent powers u/s 482 Cr.P.C. can be safely invoked so as to quash the FIR as in all probability the trial of the case is likely to result in fiasco. In view of the above, the petition is accepted, FIR No. 205 dated 12.8.2003, under Sections 457 and 380 IPC, registered at Police Station, Malerkotla, District Sangrur, is quashed and all the proceedings taken thereunder set aside.