

(2012) 09 P&H CK 0316

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-15960 of 2012 (O and M)

Dharminder Singh @ Lakhy

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision: Sept. 13, 2012

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 482
- Penal Code, 1860 (IPC) - Section 148, 149, 323, 324, 341

Hon'ble Judges: Paramjeet Singh, J

Bench: Single Bench

Advocate: G.S. Nahel, for the Appellant; Jaspreet Kaur, AAG, Punjab and Mr. Peerdan, Advocate, to 5, for the Respondent

Final Decision: Allowed

Judgement

Paramjeet Singh, J.

CrI. Misc. No. 54290 of 2012

1. CrI. Misc. is allowed. Amended memo of parties is taken on record.

CrI. Misc. No. M-15960 of 2012

Present petition has been filed u/s 482 Cr.P.C. for quashing of FIR No. 18 dated 12.6.2010, registered under Sections 323/324/341/365/506/148/149 IPC at Police Station Kiratpur Sahib, along with all consequential proceedings arising out of it, on the basis of compromise dated (Annexure P-2)

2. Learned Counsel for the petitioner 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.

3. Learned Counsel for the complainants, on instructions from the complainants, states that complainants would have no objection, if the present FIR along with consequential proceedings, arising out of it, are quashed.

4. Learned Counsel for respondents No. 2 to 5-complainants has also handed over affidavits dated 17.8.2012 to the above effect, which are taken on record.

5. 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 (Criminal) 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. 18 dated 12.6.2010, registered under Sections 323/324/341/365/506/148/149 IPC at Police Station Kiratpur Sahib, is hereby quashed and all the criminal proceedings arising out of the said FIR also stand quashed.