

(2012) 09 P&H CK 0335

High Court Of Punjab And Haryana At Chandigarh

Case No: CRM M-21788 of 2012

Hardev Singh and Others

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision: Sept. 17, 2012

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 482
- Penal Code, 1860 (IPC) - Section 148, 149, 323, 324, 427

Hon'ble Judges: Paramjeet Singh, J

Bench: Single Bench

Advocate: Kuldeep Singh, for the Appellant; Jaspreet Kaur, AAG, Punjab and Mr. Onkar Rai, Advocate, for the Respondent

Judgement

Paramjeet Singh, J.

Present petition has been filed u/s 482 Cr.P.C. for quashing of FIR No. 102 dated 07.07.2012, under Sections 323, 324, 506, 511, 448, 452, 148, 149, 427 IPC, registered at Police Station Fatehgarh Sahib, District Fatehgarh Sahib, on the basis of compromise dated 20.07.2012 (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, on instructions from Jaswinder Kaur, who is present in Court today, states that respondent No. 2 would have no objection, if the present FIR along with consequential proceedings, arising out of it, are quashed.

3. Learned counsel for respondent No. 2 has also handed over an affidavit dated 17.09.2012 of respondent No. 2 to the above effect, which is taken on record.

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 (Cri.) 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. 102 dated 07.07.2012, under Sections 323, 324, 506, 511, 448, 452, 148, 149, 427 IPC, registered at Police Station Fatehgarh Sahib, District Fatehgarh Sahib is hereby quashed and all the criminal proceedings arising out of the said FIR also stand quashed.