

(2008) 01 P&H CK 0269

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. 51548-M of 2007

Barinder Pal Singh

APPELLANT

Vs

State of Union Territory and
another

RESPONDENT

Date of Decision: Jan. 7, 2008

Acts Referred:

- Penal Code, 1860 (IPC) - Section 341, 354, 506

Citation: (2008) 1 RCR(Criminal) 793

Hon'ble Judges: H.S. Bhalla, J

Bench: Single Bench

Advocate: Rahul Rathore, for the Appellant; Rajeev Sharma for the Respondent No. 1, for the Respondent

Final Decision: Allowed

Judgement

H.S. Bhalla, J.

Through the present petition, the petitioner has prayed for quashment of FIR No. 173 dated 24.7.2005 registered under Sections 354/506 and 341 of the Indian Penal Code in Police Station Sector 26, Chandigarh on the basis of compromise deed 4.11.2007 (Annexure P-2) arrived at between the parties.

2. Learned counsel for the petitioner has stated at the bar that dispute reported vide the aforesaid FIR has been settled amicably between the parties. Copy of compromise dated 4.11.2007 (Annexure P-2) duly signed by the parties has been placed on the record of the case, wherein it has been mentioned that the matter has been patched up between them with the intervention of the respectables of the village; he does not want to pursue the matter further and he has no objection if the FIR in question and subsequent proceedings emanating therefrom are quashed.

3. The offences under Sections 354, 506 and 341 of the Indian Penal Code for which the petitioner is being tried before the trial Court are compoundable, with the

permission of the court. Keeping in view the recent law laid down by the Five Judge Bench decision of this Court rendered in there is no embargo in allowing the parties to compromise in the matter even in non-compoundable offences.

3. Taking into consideration the fact that the matter between the parties has been compromised amicably in congenial atmosphere with the intervention of the respectables of the village and also considering the fact that complainant-respondent No. 2 has no grouse against the petitioner since the matter has been patched up between the parties, in such like circumstances, I am of the considered view that it would be a futile exercise if criminal proceedings are allowed to continue between the parties. Even if the case is tried by a competent Court of law, complainant-respondent No. 2 is not likely to support the case of the prosecution.

4. For the reasons recorded above, the petition is allowed. FIR No. 173 dated 24.7.2005 registered under Sections 354/506 and 341 of the Indian Penal Code in Police Station, Sector 26, Chandigarh as also the subsequent proceedings emanating therefrom are hereby quashed qua the petitioner.