
(2010) 12 P&H CK 0596

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-19133 of 2010 (O and M)

Kuldip Singh and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 02-12-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 148, 149, 323, 324, 325

Citation : (2010) 12 P&H CK 0596

Hon'ble Judges : Sabina, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Sabina, J.—Petitioners have filed this petition u/s 482 of the Code of Criminal Procedure seeking quashing of FIR No. 16 dated 22.2.2008 under Sections 323, 452, 148, 149 of the Indian Penal Code ('IPC' for short) and Sections 324, 325, 326 IPC (added lateron) registered at Police Station Mehatpur, Tehsil Nakodar, District Jalandhar (Annexure P1) and all consequential proceedings thereto on the basis of compromise (Annexure P2).

2. Learned Counsel for the Petitioner has submitted that now, with the intervention of relatives and friends, the parties have arrived at a compromise .

3. Respondents No. 2 to 5 are present in person along with their counsel and have admitted the factum of compromise between the parties and have stated that they have no objection if the FIR in question is ordered to be quashed. Affidavit in this regard of Respondent No. 2 is already on record. Affidavits of Respondents No. 3 to 5 in this regard have been tendered on record.

4. As per the Full Bench judgment of this Court in Kulwinder Singh and Ors. v. State of Punjab 2007 (3) RCR 1052, High Court has power u/s 482 Code of Criminal Procedure to allow the compounding of non-compoundable offence and quash the prosecution where the High Court felt that the same was required to

prevent the abuse of the process of any Court or to otherwise secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

5. Hon"ble the Apex Court in the case of Nikhil Merchant Vs. Central Bureau of Investigation and Another, in para Nos. 23 and 24 has held as under:

23. In the instant case, the disputes between the Company and the Bank have been set at rest on the basis of the compromise arrived at by them whereunder the dues of the Bank have been cleared and the Bank does not appear to have any further claim against the Company. What, however, remains is the fact that certain documents were alleged to have been created by the Appellant herein in order to avail of credit facilities beyond the limit to which the Company was entitled. The dispute involved herein has overtones of a civil dispute with certain criminal facets. The question which

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is required to be answered in this case is whether the power which independently lies with this Court to quash the criminal proceedings pursuant to the compromise arrived at, should at all be exercised? 24. On an overall view of the facts as indicated hereinabove and keeping in mind the decision of this Court in B.S. Joshi's case (supra) and the compromise arrived at between the Company and the Bank as also Clause 11 of the consent terms filed in the suit filed by the Bank, we are satisfied that this is a fit case where technicality should not be allowed to stand in the way in the quashing of the criminal proceedings, since, in our view, the continuance of the same after the compromise

arrived at between the parties would be a futile exercise.

6. Since the parties have arrived at a compromise in order to live in peace, no useful purpose would be served by proceeding further with the criminal proceedings.

7. Accordingly, this petition is allowed. FIR No. 16 dated 22.2.2008 under Sections 323, 452, 148, 149 324, 325, 326 IPC registered at Police Station Mehatpur, Tehsil Nakodar District Jalandhar as well as the subsequent proceedings arising therefrom, are quashed.