
(2012) 08 P&H CK 0147
In the Punjab And Haryana At Chandigarh
Case No : CRM M 16846 of 2012 (O and M)

Tarlok Singh and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 21-08-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 148, 149, 323, 324, 326

Citation : (2012) 08 P&H CK 0147

Hon'ble Judges : Paramjeet Singh, J

Bench : Single Bench

Advocate : R.K. Trikha, for the Appellant; Jaspreet Kaur, AAG, Punjab and Ms. Sumanjit Kaur, Advocate, for the Respondent

Final Decision : Allowed

Judgement

Paramjeet Singh, J.—Present petition has been filed u/s 482 Cr.P.C. for quashing of FIR No. 47 dated 05.07.2011, under Sections 323, 324, 148, 149, 326, IPC, registered at Police Station Mehtiana, District Hoshiarpur, and all subsequent proceedings arising therefrom, on the basis of affidavit dated 16.03.2012 (Annexure P/6). 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 Surjit Singh-complainant, who is present in Court today, states that the complainant 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 21.08.2012 of respondent No. 2 to the above effect, which is taken on record.

4. Learned counsel for the petitioners states that this is a counter case. Vide order of even date, this Court has allowed CrI.Misc. No. M-16160 of 2012 filed by respondent No. 1 and others and quashed FIR No. 46 dated 04.07.2011, under Sections 324, 323, 34 IPC, registered at Police Station Mehtiana, District Hoshiarpur, and all subsequent proceedings arising therefrom.

5. Consequently, in view of affidavit (Annexures P/6) 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 (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. 47 dated 05.07.2011, under Sections 323, 324, 148, 149, 326 IPC, registered at Police Station Mehtiana, District Hoshiarpur, is hereby quashed and all the criminal proceedings arising out of the said FIR also stand quashed.