

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

Date of decision : 30.01.2015

1. CRM-M-13413-2014

Hardeep Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

2. CRM-M-13630-2014

Himmat Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Parvez Akhtar, Advocate
for the petitioners (in CRM-M-13413-2014).

Mr.Mohd.Yousaf, Advocate
for the petitioners (in CRM-M-13630-2014).

Mr.Ankur Jain, AAG, Punjab.

REKHA MITTAL, J.(ORAL)

By way of this order, I shall dispose of both the aforesaid criminal petitions together pertaining to version and cross version, emanating from the same incident relating to FIR No.80 dated 29.07.2013 registered in Police Station Sandhaur, District Sangrur.

Vide CRM-M-13413-2014, petitioners, namely, Hardeep Singh, Nirbhai Singh, Jagjeet Singh @ Jangi, Kuldeep Singh, Sandeep Singh @ Sunny, Balkar Singh, Simranjeet Singh @ Laddu and Gurpreet Singh have

prayed for quashing of FIR No.80 dated 29.07.2013 for offence under Sections 341, 323, 506 read with Section 34 of the Indian Penal Code (in short 'IPC') registered in Police Station Sandhaur, District Sangrur and proceedings emanating therefrom on the basis of compromise dated 14.04.2014 (Annexure P2) arrived at between the parties. In CRM-M-13630-2014, petitioners, namely, Himmat Singh, Karamjeet Singh, Paramjit Singh @ Mintu, Dhanwant Singh, Rajbir Singh, Kulbir Singh and Jagdeep Singh have prayed for quashing of cross case registered vide DDR No.56 dated 29.07.2013 under Sections 341, 323, 506 read with Section 34 IPC in the said FIR, on the basis of compromise dated 14.04.2014 (Annexure P2).

The parties were directed to appear before the Chief Judicial Magistrate, Sangrur on 19.05.2014 to get their statements recorded with regard to genuineness of compromise. Simultaneously, the trial Court was also directed to submit its report with regard to genuineness of the compromise arrived at between the parties.

A report has been submitted by the Chief Judicial Magistrate, Sangrur wherein it has been reported that statements of the petitioners, complainant and eye-witnesses have been recorded and the statements made by the parties in the Court reveal that they have voluntarily entered into a compromise with an intention to live in peace and harmony.

Counsel for both sets of the petitioners would contend that complainant and eye witnesses in the version and cross-version have been arrayed as respondents and all of them have made statements before the Court below raising no objection if the proceedings are quashed in view of settlement of the dispute.

Counsel for the State has not disputed correctness of assertions of the petitioners that the matter has been settled by way of compromise between the parties.

I have heard counsel for the parties and perused the case file.

A perusal of allegations in the FIR reveals that the present case squarely falls in the category of cases which can be quashed by the High Court, in exercise of its inherent power under Section 482 of the Code. Keeping in view the authoritative enunciation of law laid down by Hon'ble the Supreme Court of India in *Gian Singh v. State of Punjab and another, 2012(4) R.C.R. (Criminal) 543* and in the light of facts and circumstances of the present case, this Court is of the considered opinion that continuation of criminal proceedings would amount to abuse of process of law and it is expedient in the interest of justice that criminal proceedings are put to an end.

In view of what has been discussed hereinabove, the petitions are allowed and FIR No.80 dated 29.07.2013 for offence under Sections 341, 323, 506 read with Section 34 IPC registered in Police Station Sandhaur, District Sangrur as well as cross case registered vide DDR No.56 dated 29.07.2013 under Sections 341, 323, 506 read with Section 34 IPC in the said FIR and proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(REKHA MITTAL)
JUDGE

January 30, 2015.

DK