

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

Cr.M.No.M-1387 of 2015(O&M)
DATE OF DECISION : 10.4.2015

Sarabjit Singh alias Sarban Singh and another

PETITIONERS

VERSUS

The State of Punjab and another

RESPONDENTS

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

1. Whether reporters of Local Newspapers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present:- Shri Rajesh Bhatheja, Advocate for the petitioners.

Shri Deepak Garg, A.A.G. Punjab.

Shri Sandeep Sharma, Advocate.

MAHESH GROVER, J.

This is a petition under Section 482 of the Code of Criminal Procedure praying for quashing of F.I.R. No.61 dated 8.10.2011 registered under Sections 380,447,511,427,149 I.P.C. at Police Station Smalsar District Moga and all consequential proceedings arising therefrom on the ground that the parties have entered into a compromise.

On 14.1.2015 this Court directed the parties to appear before the trial Court to record the statement of all the affected persons and further record a finding as to whether the compromise has been effected voluntarily by the parties and a report in this regard was also called for.

Report has since been received along with copies of the statements of the affected persons which also indicates that the matter has been resolved amicably between the parties without any pressure from any quarter.

The Hon'ble Supreme Court in **Gold Quest International Private Ltd. v. State of Tamil Nadu and others** 2014(4) R.C.R. (Crl.) 206 has held that the disputes which are substantially matrimonial in nature, or the civil property disputes with criminal facets, if the parties have entered into settlement, and it has become clear that there are no chances of conviction, there is no illegality in quashing the proceedings under Section 482 Cr.P.C. read with Article 226 of the Constitution.

The Hon'ble Division Bench of this Court in **Sube Singh and another v. State of Haryana and another** 2013(4) R.C.R. (Crl.) 102 has held that the High Court is vested with unparallel power to quash criminal proceedings at any stage to secure the ends of justice.

Having regard to the aforesaid and the observations of Full Bench in Kulwinder Singh v. State of Punjab 2007(3) Law Herald 2225, and Gian Singh v. State of Punjab 2012(4) R.C.R. (Crl.)543, the instant petition is allowed. Consequently, F.I.R. No. 61 dated 8.10.2011 registered under Sections 380,447,511,427,149 I.P.C. at Police Station Smalsar District Moga and all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

April 10, 2015
GD

(MAHESH GROVER)
JUDGE