

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

1) CRM-M No.19213 of 2014 (O&M)

Gurdeep Singh and others

..... Petitioners

Vs.

State of Punjab and others

..... Respondents

&

2) CRM-M No.3699 of 2015 (O&M)

Harwinder Singh @ Binder and others

..... Petitioners

Vs.

State of Punjab and others

..... Respondents

Date of Decision: 29.09.2015

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. D.P.S.Kahlon, Advocate for the petitioners
in **CRM-M No.19213 of 2014 and**
for respondent Nos.2 to 5 in **CRM-M No.3699 of 2015.**

Mr. Mikhail Kad, Assistant Advocate General, Punjab
for respondent No.1/State along with ASI Major Singh.

Mr. Jagdeep Singh, Advocate for
Mr. Vikram Jeet Singh, Advocate for the petitioners
in **CRM-M No.3699 of 2015 and**
for respondent Nos.2 to 4 in **CRM-M No.19213 of 2014.**

JASWANT SINGH, J. (Oral)

This order shall dispose of two aforementioned petitions as both these petitions emerging out of the same occurrence.

Both the aforementioned petitions under section 482 Cr.P.C. are for

quashing of FIR No.128 dated 27.10.2008, under Sections 452, 323, 324, 148 and 149, IPC (in CRM-M No.19213 of 2014), registered with Police Station Chamkaur Sahib, District Ropar (**Annexure P-1**) on the basis of compromise dated 19.04.2014 (**Annexure P-3**) and for quashing of FIR No.129 dated 29.10.2008, under Sections 323, 341, 148 and 149, IPC (in CRM-M No.3699 of 2015), registered with Police Station Chamkaur Sahib, District Ropar (**Annexure P-1**) on the basis of compromise dated 19.02.2014 (**Annexure P-2**) arrived at between the parties along with all subsequent proceedings arising from that FIRs.

As per allegations in the FIR in CRM-M No.19213 of 2014, on 25.10.2008 at about 5:30 PM, petitioners/accused-Gurdeep Singh, Baldev Singh, Harsimran Singh, armed with *Dandas* and *Gandasi* respectively, entered the house of complainant/respondent No.2-Jaswinder Singh and inflicted several injuries on his person as well as his nephews-Pargat and Harvinder, because of a quarrel took place between petitioners/accused-Gurdeep Singh and Bachittar Singh with nephew-Harvinder Singh of the complainant, in the marriage of son of Gurdev Singh on the same day.

As per allegations in the FIR (cross-version) in CRM-M No.3699 of 2015, on 25.10.2008, when the complainant/respondent No.2-Gurdeep Singh along with his father respondent No.3-Bachittar Singh, uncle-Baldev Singh (respondent No.4) and brother-Gurumukh Singh (respondent No.5) reached near the house of Surumukh Singh, petitioners/accused, armed with *Kahi*, *Axe* and *Danda* respectively, waylaid the complainant party and inflicted several injuries on them, because of the quarrel took place, prior to the incident.

Vide order dated 12.03.2015 and 05.02.2015 respectively, this Court directed the learned Illaqa Magistrate/trial Court to send report with regard to

compromise in pursuance of which, report/letter No. 219 dated 04.04.2015 (in CRM-M No.19213 of 2014) and report/letter No. 218 dated 04.04.2015 (in CRM-M No.3699 of 2015) have been received from the learned Judicial Magistrate 1st Class, Rupnagar, which are taken on record as **Mark-A**. It is stated in the report that the complainant party has arrived at a compromise with the petitioners/accused persons without any pressure.

Learned State Counsel, on instructions from ASI Major Singh, states that the case is fixed for recording of prosecution evidence. He further states that he is unable to raise any serious objection to the quashing of the aforesaid FIRs on the basis of the compromise since the complainant party is not willing to support the prosecution case.

Hon'ble Supreme Court in **(2003) 4 SCC 675, B.S Joshi & Others Vs. State of Haryana & Another** has made it explicitly clear in para 15 of its judgment that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 of the Code does not limit or effect the powers under Section 482 of the Code.

A Full Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007(3) RCR (Criminal) 1052** has held that this Court, in appropriate cases, while exercising powers under Section 482 Cr.P.C., may quash an FIR disclosing the commission of non compoundable offences. The relevant extracts read as under:-

“ The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C., which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice. ”

Hon'ble Apex Court in another case in **J.T 2008(9) S.C 192, Nikhil Merchant Vs. Central Bureau of Investigation & Another** while relying upon its decision in **B.S. Joshi's case (supra)** has also held that in view of the compromise arrived at between the parties, the technicalities should not be allowed to stand in the way in the quashing of criminal proceedings and the continuance of the same after compromise between the parties would be a futile exercise.

Similar views were expressed by Hon'ble the Apex Court in **Madan Mohan Abot v. State of Punjab, 2008(4) SCC 582**, the relevant extract of which is as under:-

“ We need to emphasise that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilised in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law. ”

Keeping in view the above settled legal position and taking into account the fact that both the parties have desired to live in peace and harmony and carry on with their lives without any ill will or rancour by resolving their differences and entering into the aforesaid compromise, it is evident that it is a fit case where there is no impediment in the way of the Court to exercise its inherent powers under Section 482 Cr.P.C., for quashing of the FIR in the interest of justice.

Accordingly, both the aforementioned petitions are allowed. The aforementioned FIRs and all subsequent proceedings arising therefrom, are quashed.

September 29, 2015
Gagan

(JASWANT SINGH)
JUDGE