

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1) CRM-M No.21871 of 2014

Buta Singh and anotherPetitioners

Versus

State of Punjab and othersRespondents

(2) CRM-M No.38935 of 2014

Buta Singh and anotherPetitioners

Versus

State of PunjabRespondent

Date of Decision:23.04.2015

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: Mr.Surinder Garg, Advocate,
for the petitioner(s).**

Mr.Deepak Garg, Assistant Advocate General, Punjab.

**Mr.Kashmir Singh, Advocate,
for respondent Nos.2 and 3 in CRM-M No.21871 of 2014.**

MAHESH GROVER, J.(oral)

By this common order, I intend to decide the above indicated petitions, arising out of the same FIR.

In petition No.21871 of 2014 filed under Section 482 of the Code of Criminal Procedure, a prayer has been made for quashing of F.I.R. No.166 dated 18.12.2010 registered under Sections 326, 324 and 34 I.P.C at Police Station, Sadar Moga, and all consequential proceedings arising

therefrom on the ground that the parties have entered into a compromise.

On 16.02.2015 this Court had directed the parties to appear before the Illaqa Magistrate to record the statements 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. Report also indicates that petitioners were declared P.O. in the said case. However, they joined the proceedings subsequently under the orders of this Court.

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 made by the Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab** reported as 2007(3) Law Herald 2225 and of Hon'ble Supreme Court in

Gian Singh Vs. State of Punjab, reported as 2012(4) R.C.R. (Crl.)543, the instant petition is accepted. Consequently, F.I.R. No.166 dated 18.12.2010 registered under Sections 326, 324 and 34 I.P.C at Police Station, Sadar Moga, and all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

CRM-M No.38935 of 2014

In this petition, a prayer has been made for setting aside the proclamation dated 21.08.2014(Annexures P-4 & P-5) and the order dated 27.10.2014(Annexure P-6) passed in FIR No.166 dated 18.12.2010 registered under Sections 326, 324 and 34 I.P.C at Police Station, Sadar Moga, vide which, the petitioners have been declared as proclaimed persons.

This Court vide order dated 28.11.2014 directed the petitioners to surrender before the trial Court on or before 09.12.2014 and in the event of their doing so, they were directed to be released on interim bail.

In compliance with the abovesaid order, the petitioners have appeared & the matter has been compromised and a report in this regard has been received from the trial Court.

In this view of the matter, when the matter has been compromised between the parties and the FIR is quashed in the connected case i.e. CRM-M No.21871 of 2014, the present petition is also allowed and the proclamation dated 21.08.2014(Annexures P-4 & P-5) and the order dated 27.10.2014(Annexure P-6) are set aside.

April 23, 2015
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(MAHESH GROVER)
JUDGE