

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

Date of decision:07.12.2015

(1)CRM-M 23091/2015

Aman Singh and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

(2) CRM-M 23122/2015

Satgur Singh and others

.....Petitioners

v.

State of Punjab and others

.....Respondents.

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.SS Salar,Advocate for petitioners in CRM-M 23091/
2015 and for private respondents in CRM-M 23122/2015

Mz.Rimplejeet Kaur,AAG Punjab for State.

Mr.AS Salar,Advocate for petitioners in CRM-23122/2015
and for private respondents in CRM-M 23091/2015

Jaswant Singh,J.(Oral)

This order shall dispose of aforesaid two petitions under

Section 482 Cr.PC seeking quashing of FIR No.66 dated 18.5.2015, PS

Chhajli, District Sangrur under Section 323, 324, 506, 148, 149 IPC (Section 307 IPC added later on) and cross version recorded in the said FIR under Sections 341, 323, 506, 148, 149 IPC (Section 307 IPC added later on) alongwith all consequential proceedings arising therefrom on the basis of compromise Annexure P-2.

Vide order dated 21.8.2015 parties were directed to get their statements recorded regarding genuineness of the compromise.

Now learned JMIC, Sunam vide his report dated 24.9.2015 (taken on record as Mark-A in CRM-M 23091/2015) and another report dated 27.11.2015 (taken on record as Mark-A in CRM-M 23122/2015) has reported that the compromise arrived at between the parties is voluntary with free consent.

Learned State counsel on instructions from ASI Gurmail Singh states that the FIR/cross version is still under investigation.

The dispute herein relates to sudden provocation in which both sides suffered injuries and it is highly debatable whether offence under Section 307 IPC is made out or not.

Hon'ble Supreme Court in **(2003)4 SCC 675, B.S.Joshi and others v State of Haryana and 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 extract reads 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) SC 192 Nikhil Merchant v Central Bureau of Investigation and 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/cross case in the interest of justice.

Accordingly, both the petitions are allowed and FIR No.66 dated 18.5.2015, PS Chhajli, District Sangrur under Section 323,324,506,148,149 IPC (Section 307 IPC added later on) and cross version recorded in the said FIR under Sections 341,323,506,148,149

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IPC (Section 307 IPC added later on) alongwith all consequential proceedings arising therefrom, are quashed.

A copy of this order be placed on the file of CRM-M
No.23122/2015.

07.12.2015.
joshi

(Jaswant Singh)
Judge