

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-23312-2014(O&M)

Date of decision: 31.07.2015

Kapoor Lal and others .. Petitioners

Vs.

State of Punjab and others .. Respondents

Coram: Hon'ble Mr. Justice Mahesh Grover

Present: Mr. APS Rehan, Advocate for the petitioners.
Mr. J.S.Sekhon, AAG, Punjab.
Mr.R.S.Sidhu, Advocate for respondent no.2.

Mahesh Grover, J

This is a petition under Section 482 of the Code of Criminal Procedure praying for quashing of FIR No.119 dated 23.06.2007 under Sections 324 and 326 read with Section 34 IPC registered at Police Station Gurdaspur, District Gurdaspur and all consequential proceedings arising therefrom on the basis of compromise.

On 28.10.2014, this Court had directed the Jurisdictional Magistrate, Gurdaspur 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.

That 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.

In **Dr. Arvind Barsaul etc. v. State of Madhya Pradesh and another, 2008 (2) R.C.R. (Cr.) 910**, Hon'ble Supreme Court has held that proceedings after conviction can be quashed.

In Sube Singh and another v. State of Haryana and another,

2013 (4) R.C.R. (Cr.) 102, it has been held as under:-

“ In the light of these peculiar facts and circumstances where not only the parties but their close relatives (including daughter and son-in-law of respondent No.2) have also supported the amicable settlement, we are of the considered view that the negation of the compromise would disharmonize the relationship and cause a permanent rift amongst the family members who are living together as a joint family. Non-acceptance of the compromise would also lead to denial of complete justice which is the very essence of our justice delivery system. Since there is no statutory embargo against invoking of power under Section 482 Criminal Procedure Code after conviction of an accused by the trial Court and during pendency of appeal against such conviction, it appears to be a fit case to invoke the inherent jurisdiction and strike down the proceedings subject to certain safeguards.”

In Satya Narain v. State of Haryana, 2009 (3) R.C.R. (Cr.)

97 and Lal Chand v. The State of Haryana, 2009 (5) R.C.R. (Cr.) 838, it

has been held that High Court is vested with unparallel power to quash criminal proceedings at any stage to secure ends of justice. The parties have buried their hatchet, though at a belated stage, it was held, that if compromise is accepted and proceedings are quashed, it will go a long way, to create better relations between the parties. Therefore, it was observed that it is a fit case for quashing of FIR, wherein conviction and sentence recorded by the trial Court.

The Hon'ble Supreme Court in **Gian Singh v. State of Punjab and another, 2012 (4) RCR (Crl.) 543**, has held that the inherent jurisdiction of this Court under Section 482 Cr.P.C. can be exercised to quash the proceedings in respect of criminal cases arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personnel in nature and the parties have resolved their entire dispute even though they are not compoundable.

Having regard to the aforesaid and the observations made by the Full Bench of this Court in **Kulwinder Singh v. State of Punjab reported as 2007(3) Law Herald 2225** and of Hon'ble Supreme Court in **Gian Singh's case (supra)**, instant petition is accepted. Consequently, FIR No.119 dated 23.06.2007 under Sections 324 and 326 read with Section 34 IPC registered at Police Station Sadar Gurdaspur, District Gurdaspur and all consequential proceedings arising therefrom qua the petitioners are hereby quashed.

31.07.2015

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**(Mahesh Grover)
Judge**