

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

Date of decision:17.09.2015.

Gurinder Singh @ Gurvinder Singh and others

.....Petitioners

v.

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Vivek Salathia,Advocate for petitioners in
CRM-M 26495/2015
Mr.Vikas Gupta,Advocate for petitioners in
CRM-M 26715/2015

Mr.Kirat Singh Sidhu,Deputy Advocate General
for State of Punjab

Jaswant Singh,J.(Oral)

This order shall dispose of two* petitions wherein prayer is for quashing of version and cross version recorded in FIR/rapat, as mentioned in the head note of these petitions, and detailed below, on the basis of comprise effected between the parties.

In CRM-M 26495/2015 prayer is for quashing FIR No.25 dated 16.5.2013 under Sections 307/326/324/325/148/149/506 IPC, PS Khem Karan, Distt.Tarn Taran and subsequent proceedings arising therefrom, whereas in CRM-M 26715/2015 prayer is for quashing of cross version contained in rapat no.33 dated 16.5.2013 under Sections

323, 324, 148,149 IPC recorded in aforesaid FIR, and all subsequent proceedings arising therefrom.

Vide orders dated 11.8.2015 and 27.8.2015 respectively, passed in these two petitions, parties were directed to appear before trial court/Illaq Magistrate/Duty Magistrate concerned and to get their statements recorded regarding validity and genuineness of the compromise effected between the parties.

In compliance of the said orders, reports dated 11.9.2015 have been received from the Court of Additional District and Sessions Judge, Tarn Taran, wherein it is reported that the parties have genuinely entered into compromise and have settled the matter amicably and that they are residing peacefully in the same village.

In a fight that took place on 16.5.2013 between residents of the same village, both sides are alleged to have suffered injuries.

Learned State counsel on instructions from ASI Satnam Singh states that challan has been presented in both cases.

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 in the interest of justice.

Accordingly, both the petitions are allowed and FIR No.25 dated 16.5.2013 under Sections 307/326/324/325/148/149/506 IPC, PS Khem Karan, Distt.Tarn Taran and all subsequent proceedings arising therefrom, as also the rapat no.33 dated 16.5.2013 under Sections 323, 324, 148,149 IPC recorded in aforesaid FIR, and all subsequent

CRM-M 26495/2015 and 5

CRM-M 26715/2015 248

proceedings arising therefrom are quashed.

A copy of this order be placed on the file of connected case bearing CRM-M No.26715/2015.

17.09.2015.
joshi

(Jaswant Singh)
Judge

***1. CRM-M 26495/2015**
Gurinder Singh @ Gurvinder Singh and others v State of Punjab
and others

2.CRM-M 26715/2015
Jagwant Singh and others v State of Punjab and others.