

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

Date of decision : 02.02.2015

1. CRM-M-30284-2013

Dev Raj and others

... Petitioners

Versus

State of Punjab and others

... Respondents

2. CRM-M-30596-2013

Sukhdev Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Dhirinder Chopra, Advocate
for the petitioners (in CRM-M-30596-2013) &
for respondents No.2 & 3 (in CRM-M-30284-2013).

Mr.Ankur Jain, AAG, Punjab.

Mr.Balbir Singh Saini, Advocate
for the petitioners (in CRM-M-30284-2013) &
for respondent No.2 (in CRM-M-30596-2013).

REKHA MITTAL, J.(ORAL)

By way of this order, I shall dispose of both the aforesaid criminal petitions together pertaining to version and cross version, emanating from the same incident relating to FIR No.66 dated 13.05.2012 registered in Police Station Moonak, District Sangrur.

Vide CRM-M-30284-2013, petitioners, namely, Dev Raj, Jaswant Singh, Dharminder alias Bantu, Jaspal Singh, Narinder Singh, Balwant Singh, Mangat Singh, Baljinder Singh @ Binder and Bahadur

Singh have prayed for quashing of FIR No.66 dated 13.05.2012 for offence under Sections 336, 323, 148, 149 of the Indian Penal Code (in short 'IPC') and Section 25 of the Arms Act registered in Police Station Moonak, District Sangrur and proceedings emanating therefrom on the basis of compromise dated 29.07.2013 (Annexure P4) arrived at between the parties. In CRM-M-30596-2013, petitioners, namely, Sukhdev Singh, Lal Singh, Harbans Singh, Baldev Singh, Jaswant Singh, Krishan Singh, Jas Ram, Rattan Kumar and Rameshwar Singh have prayed for quashing of cross case registered vide DDR No.35 under Sections 307, 341, 323, 427, 435, 148, 149 IPC in the said FIR, on the basis of compromise dated 29.07.2013 (Annexure P4).

The parties were directed to appear before the trial Court on 04.07.2014 to get their statements recorded with regard to genuineness of compromise. Simultaneously, the trial Court was also directed to submit its report with regard to genuineness of the compromise arrived at between the parties.

A report has been submitted by the Sub Divisional Judicial Magistrate, Moonak wherein it has been reported that the statements of the petitioners, complainant and injured have been recorded and the statements made by the parties in the Court reveal that they have voluntarily entered into a compromise with an intention to live in peace and harmony.

Counsel for both sets of the petitioners would contend that complainant and injured in the version and cross-version have been arrayed as respondents and all of them have made statements before the Court below raising no objection if the proceedings are quashed in view of settlement of

the dispute. It is further submitted that offence under Section 307 IPC and under the Arms Act has been deleted during investigation.

Counsel for the State has not disputed correctness of assertions of the petitioners that the matter has been settled by way of compromise between the parties and further conceded that offences under Section 307 IPC and the Arms Act had been deleted.

I have heard counsel for the parties and perused the case file.

A perusal of allegations in the FIR reveals that the present case squarely falls in the category of cases which can be quashed by the High Court, in exercise of its inherent power under Section 482 of the Code. Keeping in view the authoritative enunciation of law laid down by Hon'ble the Supreme Court of India in *Gian Singh v. State of Punjab and another, 2012(4) R.C.R. (Criminal) 543* and in the light of facts and circumstances of the present case, this Court is of the considered opinion that continuation of criminal proceedings would amount to abuse of process of law and it is expedient in the interest of justice that criminal proceedings are put to an end.

In view of what has been discussed hereinabove, the petitions are allowed and FIR No.66 dated 13.05.2012 for offence under Sections 336, 323, 148, 149 IPC and Section 25 of the Arms Act registered in Police Station Moonak, District Sangrur as well as cross case registered vide DDR No.35 under Sections 307, 341, 323, 427, 435, 148, 149 IPC in the said FIR and proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(REKHA MITTAL)
JUDGE

February 02, 2015.