

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

**1) CRM-M No.2866 of 2015 (O&M)**

Mohan Singh and others

..... Petitioners

Vs.

State of Punjab and others

..... Respondents

**&**

**2) CRM-M No. 33335 of 2015 (O&M)**

Gaganpreet Singh and Another

..... Petitioners

Vs.

State of Punjab and others

..... Respondents

**Date of Decision: 20.10.2015**

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH**

Present: Mr. Dilraj Singh Bhinder, Advocate for  
Mr. Sarabjit Singh Sidhu, Advocate for the petitioners  
in CRM-M No.2866 of 2015.

Mr. Mikhail Kad, AAG, Punjab  
for respondent No. 1 alongwith HC Mithu Singh.

Mr. Jagraj Singh Khiva, Advocate  
for respondent Nos. 2 and 3 in CRM-M No.2866 of 2015 and  
for the petitioners in CRM-M No. 33335 of 2015.

Mr. Lakhwinder S. Sidhu, Advocate  
for respondent Nos. 2 and 3  
in CRM-M No. 33335 of 2015

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**JASWANT SINGH, J. (ORAL)**

This order shall dispose of two aforementioned petitions as both these  
petitions have arisen out of the same occurrence.

Both the aforementioned petitions under section 482 Cr.P.C. are for quashing of FIR No. 147, dated 31.07.2013 for offences punishable under Sections 324, 323, 148, and 149 of the Indian Penal Code, registered at Police Station Talwandi Sabo, District Bathinda and its cross version recorded vide DDR No. 37, dated 31.07.2013, for offences under Sections 324, 323 and 34 of the Indian Penal Code and further added Section 326 of the Indian Penal Code against the complainant vide Rapat No. 24, dated 02.08.2013 in the aforementioned FIR on the basis of compromise dated 06.08.2013 arrived at between the parties along with all subsequent proceedings arising from that FIR.

As per allegations in the FIR, *inter-alia*, on 31.07.2013 in the evening, complainant, namely, Gaganpreet Singh (respondent No.2 herein) along with Mohan Singh, Rajpal Singh (petitioner Nos. 1 and 5 respectively) and other boys were playing cricket at Govt. High School, Mirzeana. Many villagers and complainant's brother, namely, Chanpreet Singh (respondent No. 3 herein) were also standing there. At about 06.00 hours, Rajpal Singh started agitating complainant regarding the point of game and they scuffled with each other. Then petitioner No.5 called Jagjit Singh (petitioner No.2 herein), who along with Major Singh (petitioner No. 3), armed with *spade*, and Begahel Singh (petitioner No. 4 herein), armed with *Dang*, reached the spot, on a tractor and inflicted various injuries on the person of complainant and his brother Channpreet Singh.

Vide order dated 30.01.2015 and 01.10.2015, this Court directed the learned Illaqa Magistrate/trial Court to send report with regard to compromise in pursuance of which, a report/letter No. 110 dated 03.03.2015 has been received from the learned Chief Judicial Magistrate, Bathinda, which is taken on record as

**Mark-A.** It is stated in the report that the complainants have arrived at a

compromise with the accused-petitioners without any undue influence and pressure.

Learned State Counsel, on instructions from HC Mithu Singh, states that the matter is still under investigation.

Hon'ble Supreme Court in **(2003) 4 SCC 675, B.S Joshi & Others Vs. State of Haryana & 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 extracts read 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) S.C 192, Nikhil Merchant Vs. Central Bureau of Investigation & 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 aforementioned petitions are allowed. The aforementioned FIR along with its cross-version and all subsequent proceedings arising therefrom, are quashed.

**October 20, 2015**  
*'dk kamra'*

**(JASWANT SINGH)**  
**JUDGE**