

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision : August 12, 2015

1. CRM-M No.2903 of 2015 (O&M)

Gurbax Singh @ Tanka & Ors vs State of Punjab and another

2. CRM-M No.17182 of 2015 (O&M)

Tirath Singh & Ors vs State of Punjab and another

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. GS Dhaliwal, Advocate
for the petitioners in CRM-M No.2903 of 2015 and
for the complainant/respondent No.2 in CRM-M No.17182
of 2015.

Mr. KS Hissowal, Advocate
for the petitioners in CRM-M No.17182 of 2015 and
for the complainant/respondent No.2 in CRM-M No.2903
of 2015.

Ms. Amarjit Kaur Khurana, Addl. A.G Punjab

1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

Ajay Tewari, J (Oral)

This order shall dispose of CRM-M Nos.2903 and 17182 of 2015, as both the petitions arise from two cross cases. CRM-M No.2903 of 2015 has been filed for quashing of FIR No.177, dated 7.10.2010, registered under Sections 452, 323, 509, 149 of the IPC, at Police Station Sadar Ludhiana, and CRM-M No.17182 of 2015 has been filed for quashing of cross case bearing DDR No.26, dated 7.10.2010, under Sections 324, 341,

506 of the IPC recorded in FIR No.177, dated 7.10.2010, on the basis of compromise arrived at between both the parties.

Counsel for the petitioners in CRM-M No.2903 of 2015 has filed amended Memo. of Parties which is taken on record. Reply filed on behalf of the State of Punjab in CRM-M No.17182 of 2015 is also taken on record.

Counsel for the parties have stated that both the parties are neighbourers and are also related with each other. The incident took place on a small issue of one of the parties leaving some construction debris on the common path, and this quarrel erupted into a fight where persons from both sides received injuries. Ultimately, the matter having been compromised, both the parties have filed these two petitions for quashing of the aforesaid FIR/DDR.

Statements were ordered to be recorded and reports have been received from the Judicial Magistrate Ist Class, Ludhiana, wherein both the parties have accepted that the matter has now been settled.

In the reply filed by the State of Punjab in CRM-M No.17182 of 2015, it has been mentioned that one of the persons who was involved viz Vikcy @ Talwinder Singh (petitioner No.3 in the said petition) is actually absconding and, therefore, does not deserve for any relief.

In **Gian Singh v. State of Punjab and another**, reported as 2012(4) RCR(Criminal) 543, the Hon'ble Supreme Court has discussed in detail the inherent powers of the High Court in quashing criminal proceedings or FIR or complaint where the parties have entered into compromise except the cases which involve offences such as murder, rape

dacoity etc. as such offences are not private in nature and have serious impact on the society.

In view of the above judicial pronouncement, I am of the considered opinion that continuation of criminal proceedings between the parties would be an abuse of the process of law and the present compromise is for their benefit and will bring peace and harmony between them. I am also of the view that in the facts and circumstances of the case, the benefit of this compromise cannot be denied even to Vicky @ Talwinder Singh.

Consequently, the present petitions are allowed and FIR No.177, dated 7.10.2010, registered under Sections 452, 323, 509, 149 of the IPC, at Police Station Sadar Ludhiana, as well as DDR No.26, dated 7.10.2010, under Sections 324, 341, 506 of the IPC recorded in FIR No.177, dated 7.10.2010, and all subsequent proceedings, emanating therefrom, are quashed.

August 12, 2015
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(AJAY TEWARI)
JUDGE