

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

1. Criminal Misc. No. M-40351 of 2014

Joginder Singh and others

..Petitioners

Versus

State of Punjab and another

..Respondents

2. Criminal Misc. No. M-40399 of 2014

Harchand Singh and others

..Petitioners

Versus

State of Punjab and others

..Respondents

Date of decision: 27.02.2015.

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment?**
- 2. To be referred to reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr. Vivek Salathia, Advocate
for the petitioners in CRM-M-40351 of 2014 and
for respondents No.2 to 4 in CRM-M-40399 of 2014.

Mr. Vikas Gupta, Advocate
for the petitioners in CRM-M-40399 of 2014 and
for respondent No.2 in CRM-M-40351 of 2014.

Mr. T.N. Sarup, Addl. AG, Punjab
for respondent No.1 – State.

Daya Chaudhary, J. (Oral)

By this judgment, two petitions bearing Criminal Misc. No. M-40351 of 2014 and Criminal Misc. No. M-40399 of 2014 shall stand disposed of as it is a case of version and cross-version.

Criminal Misc. No. M-40351 of 2014 has been filed by the petitioners, namely, Joginder Singh, Gurnam Singh, Sukhbir Singh, Pritam Singh, Prabhjit Singh, Tehal Singh, Sawinder Singh and Mangal Singh, for quashing of First Information Report (for short 'FIR') No.116 dated 11.12.2013, under Sections 307, 336, 148, 149 of Indian Penal Code (for short 'IPC') and Sections 25 and 27 of Arms Act, registered at Police Station Bhindi Saidan, District Amritsar Rural, on the basis of compromise effected between the parties.

Similarly, Criminal Misc. No. M-40399 of 2014 has been filed by the petitioners, namely, Harchand Singh, Ajmer Singh, Bhupinder Singh, Sukhwinder Singh, Visakha Singh, Angrej Singh @ Geja, Harbir Singh, Sawinder Singh, Surjit Singh, Gurnam Singh, Sukhwinder Singh @ Kaku, Lakhwinder Singh and Jagjit Singh @ Laddi, for quashing of cross case registered vide DDR No.14 dated 24.12.2013 under Sections 307, 323, 324, 427, 336, 148 and 149 IPC and Sections 25 and 27 of Arms Act in aforesaid FIR on the basis of compromise effected between the parties.

While issuing notice of motion on 26.11.2014, both the parties were directed to appear before the trial Court for recording of their statements with regard to compromise and the trial Court was

also directed to send a report along with statements of the parties.

In response to the said directions issued by this Court, a report along with the statements of the parties has been sent by Judicial Magistrate 1st Class, Ajnala, which is on record, wherein it has been stated that the parties to the case in FIR and cross version have appeared before the trial Court and they were identified by their respective advocates representing them and their statements were also recorded. It has also been mentioned in the report that the compromise effected between the parties is not the result of any pressure from either side and no other case is pending between them. A joint statement of petitioners has been recorded wherein they have stated that the compromise arrived at between the parties is as per their free will and without any pressure from either side. Similarly statement of complainant has also been recorded wherein he has affirmed the factum of compromise and has stated that he has no objection in quashing of the FIR.

Since the dispute between the parties has been settled by way of compromise and the parties have no objection in quashing of the FIR and cross-version, no purpose would be served in case proceedings are continued as it would amount to wastage of precious time of the Court and the parties are not going to support the case of the prosecution and as such continuation of proceedings would be a futile exercise.

It has been held by a Larger Bench of our own High Court

in **Kulwinder Singh and others vs. State of Punjab and others,**
reported as 2007(3) RCR (Criminal) 1052 that this Court has wide power to quash the proceedings even in non-compoundable offences, notwithstanding the bar under Section 320 of the Criminal Procedure Code in order to prevent abuse of the process of Court or to secure the ends of justice.

Accordingly, the present petitions are allowed and impugned criminal proceedings arising out of FIR No.116 dated 11.12.2013, under Sections 307, 336, 148, 149 IPC and Sections 25 and 27 of Arms Act, registered at Police Station Bhindi Saidan, District Amritsar Rural and its cross version registered vide DDR No.14 dated 24.12.2013 under Sections 307, 323, 324, 427, 336, 148 and 149 IPC and Sections 25 and 27 of Arms Act in aforesaid FIR as well as all subsequent proceedings arising therefrom qua the petitioners in both the petitions, namely, Joginder Singh, Gurnam Singh, Sukhbir Singh, Pritam Singh, Prabhjit Singh, Tehal Singh, Sawinder Singh, Mangal Singh, Harchand Singh, Ajmer Singh, Bhupinder Singh, Sukhwinder Singh, Visakha Singh, Angrej Singh @ Geja, Harbir Singh, Sawinder Singh, Surjit Singh, Gurnam Singh, Sukhwinder Singh @ Kaku, Lakhwinder Singh and Jagjit Singh @ Laddi are hereby quashed.

27.02.2015
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(DAYA CHAUDHARY)
JUDGE