

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

1) CRM-M No.4692 of 2015 (O&M)

Gurpreet Singh and others

..... Petitioners

Vs.

State of Punjab and another

..... Respondents

&

2) CRM-M No.4697 of 2015 (O&M)

Anoop Singh and others

..... Petitioners

Vs.

State of Punjab and another

..... Respondents

Date of Decision: 20.08.2015

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Anupam Singla, Advocate for the petitioners.

Ms. Rimplejeet Kaur, Assistant Advocate General, Punjab
for respondent No.1 along with HC Sandeep Kumar.

Mr. Ankit Aggarwal, Advocate for respondent No.2.

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.59 dated 03.06.2014, under Sections 295, 323, 34, IPC (in CRM-M No.4692 of 2015), registered with Police Station Nehianwala, District Bathinda and for quashing of FIR No.174 dated 16.12.2014, under Sections 323, 341, 506 and 148, IPC (in CRM-M No.4697 of 2015), registered with Police Station

Nehianwala, District Bathinda on the basis of compromise dated 27.01.2015 (**Annexure P-2**) arrived at between the parties along with all subsequent proceedings arising from that FIR.

As per allegations in the FIR in CRM-M No. 4692 of 2015, on 04.06.2014, complainant-Anoop Singh along with other persons were going on road in front of the house of petitioner No.3/Guranditta Singh then he along with his sons i.e. Petitioner Nos.1 and 2 misbehaved and beaten up the complainant.

As per allegations in the FIR in CRM-M No. 4697 of 2015, on 15.12.2014, when complainant/respondent No.2-Gurpreet Singh along with his friends came from Guniana Mandi on motorcycle after doing some work, petitioner-Anoop Singh armed with *wooden rod* and other co-accused/petitioners Nos.2 to 4 inflicted injuries on the complainant.

Vide order dated 27.03.2015, this Court directed the learned Illaqa Magistrate/trial Court to send report with regard to compromise in pursuance of which, report/letter No. 521 dated 05.05.2015 (in CRM-M No.4692 of 2015) and report/letter No. 523 dated 05.05.2015 (in CRM-M No.4697 of 2015) have been received from the learned Judicial Magistrate 1st Class, Bathinda, which are taken on record as **Mark-A**. It is stated in the report that the complainant has arrived at a compromise with the accused-petitioners without any pressure.

Learned State Counsel, on instructions from HC Sandeep Kumar, states that challan has not been presented in both the cases. She further states that she is unable to raise any serious objection to the quashing of the aforesaid FIRs on the basis of the compromise since the complainant is not willing to support the prosecution case.

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 FIRs and all subsequent proceedings arising therefrom, are quashed.

August 20, 2015

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**(JASWANT SINGH)
JUDGE**