

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

1) CRM-M No.8948 of 2015 (O&M)

Baljinder Singh and another

..... Petitioners

Vs.

The State of Punjab and another

..... Respondents

2) CRM-M No.8708 of 2015 (O&M)

Surjit Singh and others

..... Petitioners

Vs.

State of Punjab and another

..... Respondents

Date of Decision: 08.09.2015

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Suresh Sharma, Advocate for
Mr. Jagdish Manchanda, Advocate for the petitioners
in CRM-M No.8948 of 2015 and respondent No.2
in CRM-M No.8708 of 2015.

Mr. P.S.Ahluwalia, Advocate for the petitioners
in CRM-M No.8708 of 2015 and respondent No.2
in CRM-M No.8948 of 2015.

Ms. Rimplejeet Kaur, Assistant Advocate General, Punjab.

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.311 dated 29.06.2009, under Sections 307, 323, 447, 149, IPC and Section 27 of the Arms Act, registered with Police Station Sadar Patiala,

District Patiala (**Annexure P-1**) and its cross version (**Annexure P-2**) in the aforementioned FIR on the basis of compromise dated 13.03.2015 (**Annexure P-3**) arrived at between the parties along with all subsequent proceedings arising from that FIR.

As per allegations in the FIR, on 29.06.2009 at around 12:30 PM, when complainant-Surjit Singh along with his brothers-Vinod Singh, Avinash Singh, Gurmeet Singh and their family members were present in the house, petitioner along with other persons armed with *Rifles*, *Daangs*, *Sotis* and *Gandasis* respectively, came there on two tractor trolleys and two cars and started ploughing paddy crop sown in their fields. When the complainant party tried to stop them, accused party inflicted several injuries on the complainant party.

Vide order dated 25.05.2015, this Court directed the learned Illaqa Magistrate/trial Court to send report with regard to compromise in pursuance of which, reports/letter Nos.292 and 293 dated 14.08.2015 have been received from the learned Addl. District & Sessions Judge, Patiala, which are taken on record as **Mark-A and Mark-B** respectively. It is stated in the reports that the complainant has arrived at a compromise with the accused-petitioners.

Learned State Counsel, on instructions from ASI Kamaljeet Singh, states that all the prosecution witnesses have been examined.

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.

September 08, 2015
Gagan

(JASWANT SINGH)
JUDGE