

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM no.M-9661 of 2015 (O&M)
Decided on :18.05.2015

Bakshish Singh and others

....Petitioner(s)

VERSUS

State of Punjab and another

....Respondents

CORAM:- HON'BLE MR. JUSTICE MAHESH GROVER

Present:- Mr. Ritesh Pandey, Advocate for the petitioners

Mr. Deepak Garg, AAG, Punjab

MAHESH GROVER, J

This is a petition under Section 482 Cr.P.C praying for quashing of FIR No 27 dated 10.4.2010 registered under Sections 326, 324, 323, 342, 148, 149 IPC at Police Station Kahnuwan, Tehsil and District Gurdaspur and all consequent proceedings arising therefrom on the basis of a compromise.

On 25.3.2015, this Court had directed the Trial Court to record the statement of all the affected persons and further record a finding as to whether the compromise has been effected voluntarily by the parties.

That report has since been received alongwith copies of the statements of the affected persons except Sukhwant Singh which also indicates that the matter has been resolved amicably between the parties without any pressure from any quarter. The report is silent regarding Sukhwant Singh, however, a perusal of the statements enclosed with the report shows that petitioner Sukhwant Singh one of the accused has not appeared before the Trial Court for making his statement regarding compromise. Hence, petition qua him stands dismissed.

The Hon'ble Supreme Court in **Gold Quest International Private Ltd. vs. State of Tamil Nadu and others, 2014 (4) RCR (Crl.) 206** has held that the disputes which are substantially matrimonial in nature, or the civil property disputes with criminal facets, if the parties have entered into settlement, and it has become clear that there are no chances of conviction, there is no illegality in quashing the proceedings under Section 482 Cr.P.C read with Article 226 of the Constitution.

The Hon'ble Division Bench of this Court in **Sube Singh & anr. vs. State of Haryana & anr., 2013 (4) RCR (Crl) 102** has held that the High Court is vested with unparallel power to quash criminal proceedings at any stage to secure the ends of justice.

Having regard to the aforesaid and the observations made by the Full Bench of this Court in **Kulwinder Singh v. State of Punjab reported as 2007(3) Law Herald 2225** and of Hon'ble Supreme Court in **Gian Singh Vs. St. of Punjab** reported as 2012(4) RCR (Crl.) 543, instant petition is accepted. Consequently, FIR No 27 dated 10.4.2010 registered under Sections 326, 324, 323, 342, 148, 149 IPC at Police Station Kahnuwan, Tehsil and District Gurdaspur and all consequent proceedings arising therefrom qua all the petitioners except Sukhwant Singh herein are hereby quashed.

May 18, 2015
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(Mahesh Grover)
Judge