

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

(1)

**CRM-M No. 42867 of 2015 (O&M)
Date of Decision: 29.02.2016**

Major Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

AND

(1)

CRM-M No. 43052 of 2015 (O&M)

Ranjit Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. B.S. Aulakh, Advocate
for the petitioners (in CRM-M No. 42867 of 2015) and
for respondent Nos. 2 and 3 (in CRM-M No. 43052 of 2015).

Mr. Anterpreet Singh, Advocate
for the petitioners (in CRM-M No. 43052 of 2015) and
for respondent Nos. 2 and 3 (in CRM-M No. 42867 of 2015).

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for respondent No. 1/State assisted by ASI Prithpal Singh.
in both petitions.

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. 89, dated 03.10.2015 for offences punishable under Sections 307, 364, 323, 506, 148, 149, 34 of the Indian Penal Code and Sections 25, 27, 54, 59 of Arms Act and Section 3 of SC & ST Act (added later on), registered at

Police Station Kabarwala, District Sri Muktsar Sahib and its cross version recorded vide DDR No. 29, dated 03.10.2015, for offences under Sections 452, 323, 324, 148, 149 of the Indian Penal Code in the aforementioned FIR on the basis of compromise dated 22.11.2015 (Annexure P-3) arrived at between the parties along with all subsequent proceedings arising from that FIR.

As per allegations in FIR, on 02.10.2015, accused/petitioners armed with spades, batons and gun, waylaid the complainant (Daljit Singh) and his brother (Ranjit Singh) and inflicted several injuries upon them because of a dispute/quarrel with Major Singh (petitioner herein), prior to the incident.

As per cross-version/DDR, accused/petitioners armed with sword, batons, rods etc. waylaid Karnail Singh (respondent No. 2 herein) and Palwinder Kaur (mother of complainant/respondent No. 3-Lovepreet Singh) and inflicted several injuries upon them. The reason of the grudge is that accused/petitioners were suspicious that Baaz Singh (father of complainant-Lovepreet Singh) helped Major Singh and others (who are the accused/petitioners in main FIR).

Vide order dated 19.12.2015, this Court directed the learned Illaqa Magistrate/trial Court (in CRM-M No. 43052 of 2015) to send report with regard to compromise in pursuance of which, a report/letter No. 66 dated 23.02.2016, has been received from the learned Judicial Magistrate Ist Class, Malout, which is taken on record as **Mark-A**. It is stated in the report that the complainants have arrived at a compromise with the accused-petitioners without any undue influence and pressure.

Learned State Counsel, on instructions from ASI Prithpal Singh, states that the challan is yet to be presented.

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 qua the present petitioner(s).

February 29, 2016

'dk kamra'

(JASWANT SINGH)
JUDGE