

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

1) CRM-M No.5671 of 2016 (O&M)

Simranjit Singh and others

..... Petitioners

Vs.

State of Punjab and others

..... Respondents

&

2) CRM-M No.6644 of 2016 (O&M)

Simranjit Singh and others

..... Petitioners

Vs.

Sukhpal Kaur and another

..... Respondents

Date of Decision: 05.04.2016

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Iqbal S. Mann, Advocate for the petitioners.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for the respondent/State assisted by ASI Surjit Singh.

Mr. G.S.Simble, Advocate for the respondents.

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.06 dated 29.01.2011, under Sections 347, 380, 464, 465, 120-B of the Indian Penal Code, registered with Police Station Lakhewali, District Sri Muktsar Sahib (**Annexure P-1**) and the Criminal Complaint No.235 of 2013, titled as **Sukhpal Kaur Vs. Simarjit Singh and Ors.**, under Sections 420,

364, 464, 465, 347, 380, 120-B, IPC (**Annexure P-1**), pending in the Court of learned SDJM, Malout and all subsequent proceedings arising therefrom on the basis of compromise dated 09.11.2015 (**Annexure P-2**) arrived at between the parties.

As per the complaint/FIR, lodged by the complainant-Sukhpal Kaur @ Jaspal Kaur, *inter alia*, accused-Simranjit Singh (petitioner No. 1 herein), who adopted by Sukhpal Kaur @ Jaspal Kaur and Rajinder Singh (respondent Nos. 2 and 3, respectively), in connivance with other named accused persons, had got registered 15 acres of land by kidnapping Rajinder Singh after taking the advantage of his (Rajinder Singh) unsound mind and also in the absence of the complainant, accused party had stolen 13 tolas of gold and Rs. 80,000/- in cash from the almirah.

Vide order dated 17.02.2016 (in CRM-M No.5671 of 2016) and order dated 26.02.2016 and subsequent order dated 21.03.2016 (in CRM-M No.6644 of 2016), this Court directed the learned Illaqa Magistrate/trial Court to send report with regard to compromise in pursuance of which, report/letter No.229 dated 31.03.2016 has been received from the learned Addl. Civil Judge (Sr. Divn.)-cum-SDJM, Malout, District Sri Muktsar Sahib, which is taken on record as **Mark-A**. It is stated in the report that both the parties have voluntarily and without any pressure arrived at a compromise and further they have no objection if the aforesaid complaint is quashed on the basis of compromise.

Learned State Counsel, assisted by ASI Surjit Singh, submits that in the case bearing CRM-M No.5671 of 2016, cancellation report has been filed.

Learned Counsel for the complainant submits that both the parties have settled their dispute amicably and he has no objection, if the aforesaid complaint as well as FIR may be quashed.

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 the complaint case and all subsequent proceedings arising therefrom, are quashed.

April 05, 2016
Gagan

(JASWANT SINGH)
JUDGE