

Crl. Misc. No. M-7029 of 2016

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. Crl. Misc. No. M-7029 of 2016

Dilbag Singh and othersPetitioners

Versus

State of Punjab and anotherRespondents

2. Crl. Misc. No. M-6180 of 2016

Surinder Singh and othersPetitioners

Versus

State of Punjab and othersRespondents

DATE OF DECISION: 27.05.2016

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspaper may be allowed to see judgment? (Yes/No)**
2. **To be referred to reporters or not? (Yes/No)**
3. **Whether the judgment should be reported in the Digest? (Yes/No)**

Present:- Mr. Parveen Kataria, Advocate
for the petitioners in Crl. Misc. No. M-7029 of 2016
and for respondents No.2 and 3 in Crl. Misc. No. M-6180 of 2016.

Mr. Karanjit Verma, Advocate
for the petitioners in Crl. Misc. No. M-6180 of 2016
and for respondent No.2 in Crl. Misc. No. M-7029 of 2016.

Ms. Ritu Punj, Addl. A.G., Punjab.

DAYA CHAUDHARY, J.

This order of mine will dispose of two petitions bearing Crl.

Misc. Nos. M-7029 of 2016 and M-6180 of 2016 as the compromise has

been arrived at between the parties in the FIR case as well as in cross-version case.

Crl. Misc. No. M-7029 of 2016 has been filed by petitioners, namely, Dilbag Singh, Sukhdev Singh @ Bhola, Baldev Singh, Gurnam Singh @ Gurmanroop Singh and Gopi @ Gurpreet Singh for quashing of FIR No. 25 dated 5.2.2014 registered under Sections 294,323,324,326,148,149 IPC (earlier the FIR was registered under Sections 376,511,316,323,148,149 IPC but later on it was found that some of the offences such as 376,511,316 IPC were not made out and Sections 326,294 IPC were added) at Police Station Gharinda, District Amritsar Rural.

Crl. Misc. No. M-6180 of 2016 has been filed by petitioners, namely, Surinder Singh, Harinder Singh, Jaspreet Singh, Lovepreet Singh @ Navpreet Singh, Bhagwant Kaur and Ranjit Kaur for quashing of DDR No. 11 dated 8.2.2014 registered under Sections 326,452,324,427,148,149 IPC reported as cross-version in aforesaid FIR.

During pendency of the proceedings, the dispute between the parties has been settled by way of compromise with the intervention of respectables and the parties have no objection in quashing of the FIR and cross-version. It was decided in the compromise arrived at between the parties that they will file petitions for quashing of the FIR as well as cross-version.

While issuing notice of motion on 23.2.2016 in Crl. Misc. No. M-6180 of 2016, the parties were directed to appear before the Illaqa Magistrate for recording of their statements with regard to compromise.

In response to the said direction issued by this Court, the parties appeared before CJM, Amritsar and their statements were recorded.

After recording of their statements, a report along with the statements of the parties has been sent, which is on record wherein the factum of compromise has been affirmed. It has also been mentioned in the report that the compromise arrived at between the parties is genuine and without any pressure from either side. Both the parties have specifically stated in their respective statements that they have no objection in quashing of the FIR and cross-version.

Admittedly, the dispute between the parties has been settled by way of compromise and both the parties have no objection in quashing of FIR and cross-version. The purpose of the compromise is to maintain peace and harmony in the relations. Both the parties are not interested in continuation of the proceedings because of the compromise. No purpose would be served in case the proceedings are continued in future as they are not going to support the case of the prosecution because of the compromise. It will be a futile exercise and will result in wastage of time of the Court.

It has also been held by Five Judges' Bench of our own High Court in **Kulwinder Singh and others vs. State of Punjab and others, 2007 (3) RCR (Criminal) 1052** that this Court has wide power to quash the criminal proceedings even in non-compoundable offences, notwithstanding the bar under Section 320 of the Criminal Procedure Code in order to prevent abuse of the process of law or to secure the ends of justice.

Accordingly, the present petitions are allowed and the impugned criminal proceedings arising out of FIR No. 25 dated 5.2.2014 registered under Sections 294,323,324,326,148,149 IPC at Police Station Gharinda, District Amritsar Rural qua petitioners, namely, Dilbag Singh, Sukhdev Singh @ Bhola, Baldev Singh, Gurnam Singh @ Gurmanroop

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Singh and Gopi @ Gurpreet Singh as well as DDR No. 11 dated 8.2.2014 registered under Sections 326,452,324,427,148,149 IPC qua petitioners, namely, Surinder Singh, Harinder Singh, Jaspreet Singh, Lovepreet Singh @ Navpreet Singh, Bhagwant Kaur and Ranjit Kaur and all subsequent proceedings arising therefrom are hereby quashed.

May 27, 2016
pooja

(DAYA CHAUDHARY)
JUDGE