

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10171 of 2017

Date of Decision: November 15, 2017

Thakur Singh @ Balbir Singh and others

..Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Dheeraj Mahajan, Advocate for the petitioners.

Mr.Karan Grover, Advocate for the complainant.

Mr.Ajay Pal Singh Gill, DAG Punjab.

ARVIND SINGH SANGWAN, J.

Petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.05 dated 19.7.2014 under Sections 406, 420, 467, 468, 120-B IPC of the Indian Penal Code, 1860 ('IPC' for short) registered at Police Station N.R.I Gurdaspur (Annexure P1) and all consequential proceedings arising therefrom, on the basis of compromise dated 3.4.2016 (Annexure P2).

Vide order dated 27.3.2017, parties were directed to appear before the trial Court for recording of their statements. As per the report submitted by the trial Court dated 18.5.2017, it is reported that petitioner No.6 Pyare Lal and respondents No.2 to 4 have not appeared before the trial Court for recording of the statement. On the basis of the statements made by the learned counsel for the parties, vide order dated 8.8.2017, it was noticed that petitioner No.6 Pyare Lal is on death bed and respondents No.3 and 4 are residing abroad and accordingly permission was granted that respondent No.2, being their GPA and mother of respondents No.3 and 4 was directed

to appear before trial Court for recording her statement in support of the compromise. Report dated 23.8.2017 submitted by the trial Court has been received. As per the report, respondent No.2 Kulwant Kaur had appeared before the trial Court and has stated that she is the general power of attorney of respondents No.3 and 4 and she is duly authorised to make statements on their behalf. She has further stated that she has no objection on her behalf as well as on behalf of respondents No.2 and 3 in case FIR is quashed by this Court. The GPA was also placed on record before the trial Court alongwith proof of identity i.e. Aadhar Card. The trial Court has submitted a report that petitioner No.6 Pyare Lal had been declared proclaimed offender vide order dated 24.8.2017. It is also stated that complainant Ajit had died and respondents No.2 to 4 are his legal heirs being wife, son and daughter. They have made a statement acknowledging the compromise. It is further submitted that the compromise is genuine, voluntary and without any coercion or undue influence.

It is submitted on behalf of the parties that petitioner No.3 Jasbir Singh and complainant Ajit Singh complainant (since deceased) are real brothers and in pursuance to the compromise, certain properties have been transferred by way of sale deed in favour of legal heirs of deceased Ajit Singh and the parties have decided to live in peace and decided not to indulge in any litigation against each other. In the above circumstances, this court is of the opinion that the present case falls in the category of cases that can be quashed by the High Court, in exercise of its inherent power under Section 482 of the Code. Keeping in view of judgment of Hon'ble the Supreme Court of India in “**Gian Singh vs State of Punjab and another**”,

2012(4) R.C.R. (Criminal) 543 and in the light of facts and circumstances of the present case, this Court is of the considered opinion that continuation of criminal proceedings would amount to abuse of process of law and it is expedient in the interest of justice that criminal proceedings are put to an end.

As per the Full Bench judgment of this Court in **Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052,** wherein it is held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court feel that the same was required to prevent the abuse of the process of law or to otherwise secure the ends of justice and the power of quashing is not confined to matrimonial disputes alone.

Since the parties have arrived at a compromise and have decided to live in peace, no useful purpose would be served in allowing the criminal proceedings to continue.

Accordingly, this petition is allowed and FIR No.05 dated 19.7.2014 under Sections 406, 420, 467, 468, 120-B IPC of the Indian Penal Code, 1860 ('IPC' for short) registered at Police Station N.R.I Gurdaspur (Annexure P1) and all the consequential proceedings, arising therefrom, are ordered to be quashed. Since the FIR is quashed, the order dated 24.8.2017 declaring petitioner No.6 a proclaimed offender is also quashed.

(ARVIND SINGH SANGWAN)
JUDGE

November 15, 2017
Meenu

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No