

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Date of Decision: 10.10.2017

CRM-M-11042-2017(O&M)

Gurmit Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CRM-M -12908-2017

Amarbir Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr. Justice Arvind Singh Sangwan

Present:Mr.Ritesh Pandey , Advocate for the petitioners and
for respondent No. 2 in CRM-M-12908-2017.

Mr.Arbind Singh Sidhu, Deputy Advocate
General, Punjab

Mr.M.S.Saini,Advocate for respondent No.2 and
and for the petitioners in CRM-M-12908-2017.

Arvind Singh Sangwan, J.

This order will dispose of above mentioned two petitions i.e.

CRM-M-11042-2017 and CRM-M-12908-2017. In CRM-M-11042-2017,

FIR No. 79 dated 25.11.2016, under Sections 326, 323, 324 read with

Section 34 the Indian Penal Code, 1860 ('IPC' for short), and in CRM-M-12908-2017 petitioner is seeking quashing of DDR No. 28 dated 28.11.2016 (Annexure P1) under Section 323, 324,326,148 and 149 IPC, both registered at Police Station Sadar Batala Police Distt Batala, District Gurdaspur along with all consequential proceedings arising therefrom on the basis of compromise .

In both the cases, a direction was given to the trial Court/Illaq Magistrate to record the statements of the parties and submit a report qua the genuineness of the compromise effected between the parties and to intimate whether any accused is proclaimed offender.

In pursuance thereof, the trial Court (in both the cases) has submitted a report (forwarded by District and Sessions Judge, Gurdaspur on 2.8.2017), after recording the statements of the parties, that the complainants-Gurmit Singh and Amarbir Singh and accused-Harpreet Singh, Paramvir Singh, Beant Singh, Nirmal Singh, Gursimran Pal Singh, Gurmit Singh, Tarlochan Singh, Hardeep Singh, Rajan Singh @ Rajinder Singh and Amarbir Singh have appeared along with their respective counsel, who had identified them and got their statements recorded acknowledging that the compromise had been effected voluntarily, without any coercion or any undue influence and no proclamation proceedings are pending against the accused. It is further submitted that Assistant Sub Inspector-Narjit Singh, Investigating Officer has reported that there are total six accused persons in cross-version of FIR and there are four accused persons in the main FIR registered against the complainant-Gurmit Singh and and none of them has been declared as proclaimed offenders

and no one is absconding.

As per the Full Bench judgment of this Court in **Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052**, 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 felt that the same was required to prevent the abuse of the process of any Court or to otherwise secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Perusal of allegations in the FIR reveals that the present case squarely 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 authoritative enunciation of law laid down by 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.

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, both the above-mentioned petitions are allowed. FIR No. 79 dated 25.11.2016, under Sections 326,323,324 read with Section 34 IPC and DDR No. 28 dated 28.11.2016 under Section 323, 324, 326, 148 and 149 IPC , registered at Police Station Sadar Batala Police

Distt. Batala District Gurdaspur along with all the consequential proceedings, arising therefrom, are ordered to be quashed qua the petitioners.

(ARVIND SINGH SANGWAN)
JUDGE

October 10, 2017

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