

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

CRM-M-11502 of 2017

Date of Decision: August 03, 2017

Hardeep Singh and others

.....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. R.S. Sidhu, Advocate for the petitioners.

Mr. R.P. Khaira, Assistant Advocate General Punjab

Mr. N.K. Awasthi, Advocate for
Mr. S.K. Bokolia, Advocate
for respondent No. 2-complainant.

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. 169 dated 2.7.2014, under Sections 324, 148, 149 (326 IPC added later on) of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Patti, District Tarn Taran (Annexure P1) and all consequential proceedings arising therefrom, on the basis of compromise (Annexure P2).

Vide order dated 5.4.2017, a direction was given to the Illaqa Magistrate to record the statements of the parties and submit a report regarding the genuineness of the compromise effected between the parties .

In pursuance thereof, the trial Court has submitted a report dated 24.4.2017, after recording the statements of the parties, that the complainant-Balbir Singh and accused- Hardeep Singh, Mandeep Kaur, Lovdeep Singh @ Lovepreet Singh and Prabhdeep 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. This fact is not disputed by learned State Counsel, who has submitted, on instructions from Assistant Sub Inspector-Nirmal Singh that the petitioners are not the proclaimed offenders.

Learned counsel for the petitioner has submitted that the offence under Section 326 is not made out as injury though reported as grievous but the same is not dangerous to life.

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, the petition is allowed. FIR No.169 dated 2.7.2014,, under Sections 324,148,149 (326 IPC added later on) IPC (Annexure P1) with all the consequential proceedings, arising therefrom, are ordered to be quashed .

(ARVIND SINGH SANGWAN)
JUDGE

August 03, 2017
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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No