

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Date of Decision: 18.08.2017

CRM-M -11601-2017

Lakha Singh Azad and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CRM-M -11267-2017

Jatinder Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr. Justice Arvind Singh Sangwan

Present: Ms.Sudesh Sahi,Advocate for
Mr.G.S.Thind,Advocate
(in CRM-M-11601-2017) and
Mr.Sarabjit Singh,Advocate
(CRM-M -11267-2017) for the petitioners.

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

Ms.Sudesh Sahi,Advocate for
Mr.G.S.Thind,Advocate for respondent
No.2 and 3

(CRM-M -11267-2017)

Mr. Sarabjit Singh m,Advocate for respondents No.2 &3
(CRM-M-11601-2017)

Arvind Singh Sangwan, J.

This order will dispose of above mentioned two petitions i.e. CRM-M-11601-2017 and *CRM-M -11267--2017*. Petitioners are seeking quashing of DDR No. 25 dated 29.11.2014 under Sections 323,324,148,149,427 of the Indian Penal Code, 1860 (IPC for short) registered at Police Station Beas, Amritsar (Annexure P1) and (as a cross version) FIR No.275 dated 29.11.2014 under Sections 323, 324,148,149,427 IPC at Police Station Beas, Amritsar (Annexure P2) along with all consequential proceedings arising therefrom on the basis of compromise and affidavit dated 21.02.2017(Annexure P3 &P4).

It is not disputed that both the parties in these petitions are seeking quashing of DDR/FIR which are cross case against each other on the basis of compromise and affidavit .

Vide orders dated 3.4.2017 (in CRM-M-11267-2017) and dated 7.4.2017 (in CRM-M No.11601 of 2017) , Illaqa Magistrate was directed to record the statements of the parties and send its report with regard to genuineness of the compromise effected between the parties and also to report whether any of the accused has been declared proclaimed.

In pursuance to the said order, the trial Court, after recording the statements of the parties, has reported on 3.4.2017(in CRM-M-11267-2017) and on 7.4.2017 (in CRM-M No.11601 of 2017) that the parties have appeared and identified by their respective counsel representing them in the trial Court and that the compromise effected between the parties was voluntarily and without any coercion, pressure. This fact is not disputed by

learned State Counsel, who has submitted, on instructions from Assistant Sub Inspector-Kuljit Singh, that the petitioners are not the proclaimed offenders.

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 petitions are allowed. FIR No..275 dated 29.11.2014 under Sections 323, 324, 148, 149, 427 IPC

registered at Police Station Beas, Amritsar (Annexure P2) and cross case registered vide DDR No. 25 dated 29.11.2014 under Sections 323,324,148,149,427 IPC registered at Police Station Beas, Amritsar (Annexure P1) on the basis of settlement dated 21.2.2017 along with all the consequential proceedings, arising therefrom, are ordered to be quashed .

(ARVIND SINGH SANGWAN)
JUDGE

August 18, 2017

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No