

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Date of Decision: 26.07.2017

CRM-M -14114-2017

Baljit Singh and Harjinder Singh @ Rimpay

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CRM-M -14134-2017

Gian Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

Coram: Hon'ble Mr. Justice Arvind Singh Sangwan

Present: Mr. Lakhwinder Singh, Advocate
(in CRM-M-14114-2017) and
Mr.P.S.Dhaliwal, Advocate
(CRM-M -14134-2017) for the petitioners.

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

Mr.Lakhwinder Singh, Advocate for respondent
No.2 -Baljit Singh
(CRM-M -14134-2017)

Mr.Anandeswar Gauttam, Advocate for respondents No.2 &3
(CRM-M-14114-2017)

Arvind Singh Sangwan, J.

This order will dispose of above mentioned two petitions i.e. CRM-M-14114-2017 and *CRM-M -14134-2017*. In the petition (CRM-M-14114-2017), petitioners are seeking quashing of DDR No. 31 dated 30.1.2016 under Sections 323,324 read with Section 34 of the Indian Penal Code, 1860 (IPC for short) registered at Police Station Mehal Kalan, District Barnala (Annexure P3) as a cross version in FIR No.0009 dated 30.1.2016 under Sections 324,323,148,149 IPC at Police Station Mehal Kalan, District Barnala whereby challan was filed under Sections 341,323,355 read with Section 34 IPC (Annexure P1). In petition (*CRM-M -14134-2017*), petitioners are seeking quashing of FIR No.0009 dated 30.1.2016 under Sections 323, 324, 148, 149 IPC registered at Police Station Mehal Kalan, District Barnala (Annexure P1) along with all consequential proceedings arising therefrom on the basis of compromise dated 08.03.2017(Annexure P2).

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 dated 8.3.2017.

Vide order dated 26.4.2017, Illaqa/Duty 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 all the accused-petitioners are on bail and whether any proceeding against them is pending.

In pursuance to the said order, the trial Court, after recording

the statements of the parties, has reported on 26.5.2017 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 and all accused appearing in the Court are on bail and no other proceeding is pending against the accused.

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..0009 dated 31.3.2017 under Sections 30.1.2016 under Sections 323, 324, 148, 149 IPC registered at Police Station Mehal Kalan, District Barnala (Annexure P1) and cross case registered vide DDR No. 31 dated 30.1.2016 under Sections 323,324 read with Section 34 IPC registered at Police Station Mehal Kalan, District Barnala (Annexure P3) on the basis of settlement dated 8.3.2017 along with all the consequential proceedings, arising therefrom, are ordered to be quashed .

(ARVIND SINGH SANGWAN)
JUDGE

July 26, 2017

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No