

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

**CRM-M-14722 of 2017
Date of Decision: July 13,2017**

Bahadur Singh and another ...Petitioners

Versus

State of Punjab and anotherRespondents

CORAM:HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Siddharth Gupta, Advocate
for the petitioners.

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

Ms. Naina Issar, Advocate
for respondent No.2.

ARVIND SINGH SANGWAN, J.

The present petition under Section 482 of the Code of Criminal Procedure, 1973 has been filed by Bahadur Singh and Jangir Singh seeking quashing of FIR No.47 dated 18.03.1986, under Sections 326, 324, 323, 452 read with Section 34 of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Phul, District Bathinda and all consequential proceedings arising therefrom on the basis of compromise dated 20.04.2017 (Annexure P2).

It is stated that one of the accused – Ganda

Singh had expired on 13.07.2005.

Vide order dated 01.05.2017, a direction was given to the trial Court/Ilaqa Magistrate to record the statements of the parties and submit a report regarding the genuineness of the compromise and whether any of the accused was declared proclaimed offender or not.

In pursuance thereof, the trial Court has submitted the report dated 24.05.2017, after recording the statements of the parties.

As per the report of the trial Court, one of the accused, namely, Ganda Singh had expired on 13.07.2005 and no other accused was declared as proclaimed offender. Respondent No.2-complainant, namely, Bikkar Singh has made a statement that with the intervention of respectables, he has compromised the matter and the compromise is effected with his free will and without any pressure or coercion and he does not want to proceed with the case. Similar statement was made by the petitioners-accused and the trial Court further reported that it is satisfied that the compromise between the parties was effected voluntarily without any pressure and coercion.

A perusal of the FIR shows that it was registered way back in the year 1986 and, thereafter, no proceedings have taken place as police had prepared the cancellation report on 09.09.1986. Further, the said

cancellation report was never accepted by the Ilqa Magistrate and, therefore, the FIR remain alive.

A perusal of the compromise (Annexure P2) also shows that both the parties are residents of same village and have settled their dispute.

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, this petition is allowed. FIR No.47 dated 18.03.1986, under Sections 326, 324, 323, 425 read with Section 34 IPC, registered at Police Station Phul, District Bathinda, and all the consequential proceedings, arising

therefrom, are ordered to be quashed qua the petitioners.

(ARVIND SINGH SANGWAN)
JUDGE

July 13, 2017
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Whether speaking/reasoned: Yes/No

Whether Reportable:Yes/No