

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Date of Decision: 04.09.2017

CRM-M -15107-2017

Hardev Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CRM-M -15631-2017

Harjinder Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr. Justice Arvind Singh Sangwan

Present: Ms.Kaavya Jariayal,Advocate
(CRM-M -15107-2017) and
Mr. B.S.Jaswal,Advocate
(in CRM-M-15631-2017)
for the petitioners.

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

Ms.Kaavya Jariayal,Advocate for respondents
No.2 to 6 (in CRM-M-15631-2017)
Mr. B.S.Jaswal ,Advocate for respondents No.2 to 4
(CRM-M -15107-2017)

Arvind Singh Sangwan, J.

This order will dispose of above mentioned two petitions i.e. CRM-M-15107-2017 and CRM-M-15631-2017. In both these petitions, petitioners are seeking quashing of FIR No. 95 dated 6.7.2013 under Sections 336/427/506/452/148,149 of the Indian Penal Code, 1860 (IPC for short) and Section 25/27 of the Act at Police Station Gharinda, District Amritsar and cross-version registered vide DDR No. 14 dated 8.7.2013 under Sections 452,427,148,149 IPC and Section 25/27 of the Act along with all consequential proceedings arising therefrom on the basis of compromise 2.4.2017.

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 2.4.2017.

Vide order dated 8.5.2017, Illaqa Magistrate was directed to record the statements of the parties in support of compromise on 25.5.2017.

In pursuance to the said order, the trial Court on 17.7.2017 (forwarded by the District and Sessions Judge dated 20.7.2017 in both the cases) , after recording the statements of the parties, has reported that the complainant- Varpinder Singh as well as eye witnesses, namely, Baljit Singh and Harjinder Singh in *CRM-M -15107-2017 (except Varpinder Singh, accused in CRM-M -15631-2017)* and accused- Hardev Singh, Onkar Singh, Mohanjit Singh, Daljit Singh , Gurdev Singh, Paritpal Singh, Palwinder Singh @ Baljinder Singh @ Ravi,Amandeep Singh, Basant Singh, Hira Singh, Sucha Singh and Chand Singh in *CRM-M -15107-2017 (Onkar Singh, Mohanjit Singh, Daljit Singh and Rajwinder Singh-complainants in CRM-M -15631-2017)* 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 .

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. 95 dated 6.7.2013 under Sections 336/427/506/452/148,149 IPC and Section

25/27 of the Act at Police Station Gharinda, District Amritsar and cross-version registered vide DDR No. 14 dated 8.7.2013 under Sections 452,427,148,149 IPC and Section 25/27 of the Act on the basis of settlement dated 8.3.2017 along with all the consequential proceedings, arising therefrom, are ordered to be quashed qua the petitioners by way of compromise subject to the petitioners paying costs in the sum of ₹5000/- each in both the cases in the Office of District Legal Services Authority, Amritsar within 8 weeks from today, failing which this order shall stand recalled automatically without reference to the Court.

(ARVIND SINGH SANGWAN)
JUDGE

September 04, 2017
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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No