

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Date of Decision: 19.07.2017

CRM-M -15572-2017

Husandin @ Hasan Deen and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CRM-M -15593-2017

Baljinder Singh @ Budu and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

Coram: Hon'ble Mr. Justice Arvind Singh Sangwan

Present: Mr.Shubhashish Kukreti,Advocate
(in CRM-M-15572-2017) and
Mr.Deepka Verma,Advocate
(CRM-M -15593-2017) for the petitioners.

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

Mr.Deepak Verma,Advocate for respondent No.2
(CRM-M -15572-2017)

Mr.Shubhashish Kukreti,Advocate for respondent No.2
(CRM-M -15593-2017)

Arvind Singh Sangwan, J.

This order will dispose of above mentioned two petitions i.e. *CRM-M-15572-2017* and *CRM-M -15593-2017*. In the petition (*CRM-M -15572-2017*), petitioners are seeking quashing of DDR No. 47 dated 31.3.2017 under Sections 324, 323, 148, 149 of the Indian Penal Code, 1860 (IPC for short) registered at Police Station Garhshankar, District Hoshiarpur (Annexure P2) as a cross version in FIR No.49 dated 31.03.2017 (Annexure P1). In petition (*CRM-M -15593-2017*), petitioners are seeking quashing of FIR No.49 dated 31.03.2017 under Sections 323, 324, 148, 149 IPC registered at Police Station Garhshankar, District Hoshiarpur (Annexure P1) along with DDR No. 28 dated 7.4.2017 (Annexure P2) whereby Section 326 IPC was added later on along with all consequential proceedings arising therefrom on the basis of compromise dated 08.04.2017 (Annexure P3).

It is not disputed that both the parties in these petitions are seeking quashing of DDRs/FIR which are cross case against each other on the basis of compromise dated 8.4.2017.

Vide order dated 4.5.2017, trial Court/Illaq 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.

In pursuance to the said order, the trial Court, after recording the statements of the parties, has reported on 17.6.2017 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 no accused was declared

as proclaimed offender.

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.49 dated 31.3.2017 under Sections 323, 324, 148, 149 IPC registered at Police Station Garhshankar, District Hoshiarpur and cross case registered vide DDR No. 47 dated 31.3.2017 under Sections 324, 323,148,149 IPC and DDR No. 28 dated 7.4.2017 whereby Section 326 IPC was added later on

the basis of settlement dated 8.4.2017 along with all the consequential proceedings, arising therefrom, are ordered to be quashed qua the petitioners.

(ARVIND SINGH SANGWAN)
JUDGE

July 19, 2017
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Whether speaking/reasoned: Yes

Whether Reportable: Yes