

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Date of Decision: 17.08.2017

CRM-M -18614-2017

Ramesh Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CRM-M -19134-2017

Dharamveer and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

Coram: Hon'ble Mr. Justice Arvind Singh Sangwan

Present:

Mr.Raju Arora,Advocate for the petitioner(s)

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

Mr.Rajeev K.Sharma,Advocate for respondent No.2

Arvind Singh Sangwan, J.

This order will dispose of above mentioned two petitions i.e. CRM-M-18614-2017 and CRM-M -19134-2017. In both these

petitions, petitioners are seeking quashing of FIR No.210 of 2016 dated 20.11.2016 under Sections 379-B read with Section 34 of the Indian Penal Code, 1860 (' IPC ' for short) registered at Police Station Division No.5, Ludhiana District Ludhiana and Section 25 of the Arms Act, 1959 (Annexure P1) along with all consequential proceedings arising therefrom on the basis of compromise dated 4.5..2017(Annexure P2).

Vide orders dated 23.5.2017 (in CRM-M-18614-2017) dated 26.5.2017(in CRM-M-19134-2017), Illaqa Magistrate/trial Court 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 on 14.6.2017 (in both the cases), has reported that the copy of receipt challan dated 1.6.2017 showing deposit of ₹ 50,000/- in favour of Commissioner of Police is placed on record. The trial Court,after recording the statements of the parties, has reported that the complainant-Manpreet Singh and accused-Ramesh Kumar, Vikas and Dharamveer 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.210 of 2016 dated 20.11.2016 under Sections 379-B read with Section 34 of the IPC registered at Police Station Division No.5, Ludhiana District Ludhiana and Section 25 of the Arms Act, 1959 along with all the consequential proceedings, arising therefrom, are ordered to be quashed .

(ARVIND SINGH SANGWAN)
JUDGE

August 17, 2017
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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No