

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

CRM-M-19571 of 2016

Date of Decision: August 16, 2017

Jagsir Sharma

...Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM:HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Poonam Verma, Advocate
for the petitioner.

Mr. Randeep Singh Khaira, Assistant
Advocate General,Punjab

Mr.Mahesh Gupta,Advocate for respondent No.2

ARVIND SINGH SANGWAN, J.

Petitioner-Jagsir Sharma has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.206 dated 2.11.2014, under Sections 324/323 of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Sadar Dhuri (Annexure P1), and all consequential proceedings arising therefrom on the basis of compromise dated 23.5.2016 (Annexure P2).

Vide order dated 24.4.2017 this Court has directed the trial Court to record the statements of the parties and submit a report regarding its satisfaction on the compromise and whether all the accused are

appearing before the Court and whether any other proceeding is pending against them.

In pursuance thereof, the trial Court has submitted a report dated 8.6.2017, after recording the statements of the parties, that the complainant-Amar Singh, and accused- Jagsir Sharma, have appeared along with their respective counsel, who had identified them and got their statement recorded acknowledging that the compromise had been effected voluntarily, without any coercion or any undue influence. It has further been submitted by the trial Court that accused is on bail in the present FIR and no other proceeding is pending against him.

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.

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.

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.206 dated 2.11.2014, under Sections 324/323 IPC, registered at Police Station Sadar Dhuri (Annexure P1) and all the consequential proceedings, arising therefrom, are ordered to be quashed qua the petitioners.

(ARVIND SINGH SANGWAN)
JUDGE

August 16, 2017
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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No