

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Date of Decision: 11.09.2017

CRM-M -19159-2017

Ajay Kumar @ Ajay

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CRM-M -19160-2017

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.....Petitioner

Versus

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr. Justice Arvind Singh Sangwan

Present: Mr.Rishu Mahjan,Advocate
for the petitioners.

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

Arvind Singh Sangwan, J.

This order will dispose of above mentioned two petitions i.e. CRM-M-19159-2017 and CRM-M-19160-2017. In CRM-M-19159-2017, petitioner is seeking quashing of FIR No. 33 dated 4.5.2016 under Sections 420/379 of the Indian Penal Code, 1860 (IPC for short)

(Annexure P1) and in CRM-M-19160-2017 petitioner is seeking quashing of FIR No. 37 dated 25.5.2016 under Section 420 read with Section 34 IPC both registered at Police Station Maqboolpura along with all consequential proceedings arising therefrom on the basis of compromise .

Vide order dated 25.5.2017, trial Court was directed to record the statements of the parties in support of compromise.

In pursuance to the said order, the trial Court on 9.6.2017 (forwarded by the District and Sessions Judge, Amritsar dated 13.6.2017 in both the cases), after recording the statements of the parties, has reported that the complainants- Nirmaljit Singh and Kulwant Singh and accused- Ajay Kumar 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 Nos. 33 dated 4.5.2016 under Sections 420/379 and 37 under Sections 420 read with Section 34 IPC dated 25.5.2016, registered at Police Station Maqboolpura on the basis of compromise along with all the consequential proceedings, arising therefrom, are ordered to be quashed qua the petitioners.

(ARVIND SINGH SANGWAN)
JUDGE

September 11, 2017
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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No