

***IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH***

**CRM-M -20186-2017**  
***Date of Decision: 25.08.2017***

***Tejwinder Singh and another***

***.....Petitioners***

***Versus***

***State of Punjab and another***

***.....Respondents***

***Coram: Hon'ble Mr. Justice Arvind Singh Sangwan***

***Present:*** Mr.N.S.Diwana, Advocate for the petitioners.  
Mr.R.P.Khaira, Assistant Advocate General,  
Punjab.  
Mr.Yashpal Marken, Advocate for respondent No.2

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***Arvind Singh Sangwan, J.***

Petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No. 17 dated 10.02.2014 under Sections 406,420,120 of the Indian Penal Code, 1860 ('IPC' for short) and Section 24 of the Immigration Act,1924, registered at Police Station Phase 8,Mohali and all consequential proceedings arising therefrom, on the basis of compromise dated 30.1.2016 (Annexure P1).

Vide order dated 1.6.2017, 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 and also to report and whether any of the accused has been declared proclaimed

offender or not .

In pursuance to the said order, the trial Court on 8.8.2017 , after recording the statements of the parties, has reported that the complainant and accused 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 . It is further submitted that statement of Inspector-Jarnail Singh is also recorded and, as per the same, none of the accused has been got declared 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. 17 dated 10.02.2014 under Sections 406,420,120 IPC and Section 24 of the Immigration Act,1924, registered at Police Station Phase 8,Mohali , along with all the consequential proceedings, arising therefrom, are ordered to be quashed .

**(ARVIND SINGH SANGWAN)**  
**JUDGE**

**August 25, 2017**  
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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No