

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20935 of 2017 (O&M)
Date of Decision: October 25, 2017

Gopi Chauhan and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM:HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr.Bikramjit Aroura,Advocate for the petitioners.
Ms. Rajni Gupta, Senior Deputy Advocate General
Punjab.
Mr.Harish Davedi, Advocate for respondents No.2

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. 0164 dated 3.4.2017, under Section 307 read with Section 34 of the Indian Penal Code, 1860 ('IPC' for short) and Section 25 of the Arms Act, 1959 ('the Act' for short) registered at Police Station Civil Lines Amritsar District Police Commissionerate Amritsar (Annexure P1) and all consequential proceedings arising therefrom, on the basis of compromise dated 17.4.2017 (Annexure P2).

Vide order dated 14.9.2017, a direction was given to the trial Court to record the statements of the parties and submit a report regarding the genuineness of the compromise effected between the parties.

In pursuance thereof, the trial Court on 21.10.2017, after recording the statements of the parties, has submitted a report that the complainant-Vipan Kumar and accused-Gopi Chauhan and Vishal Chauhan have appeared along with their respective counsel, who had identified them and got their statements recorded acknowledging that the compromise had been effected voluntarily, without any coercion or any undue influence. The trial Court has further submitted that that the petitioners- Gopi Chauhan and Vishal Chauhan have already appeared in this Court on 13.6.2017. This fact is not disputed by learned State Counsel, who has submitted, on instructions from Assistant Sub Inspector-Victor Singh that the petitioners are not the proclaimed offenders.

Learned counsel for the State has placed on record photocopy of the Police zimni recorded by ACP Jalandhar dated 8.6.2017 vide which it is reported that the accused only fired in air and, therefore, no offence under Section 307 IPC is made out and it is a case falling under Section 336 IPC only.

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, this petition is allowed. FIR No. 0164 dated 3.4.2017, under Section 307 read with Section 34 IPC and Section 25 of the Act registered at Police Station Civil Lines Amritsar District Police Commissionerate Amritsar (Annexure P1) and all the consequential proceedings, arising therefrom, are ordered to be quashed qua the petitioners .

(ARVIND SINGH SANGWAN)
JUDGE

October 25, 2017
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No