

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

**CRM-M-23782 of 2017
Date of Decision: September 29, 2017**

Keemti Lal and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM:HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr.L.S.Sidhu, Advocate for the petitioners.
Ms.Simranjeet Kaur, Assistant Advocate General Punjab
Mr. D.S.Sidhu. Advocate for respondent 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.130 dated 22.9.2016, under Sections 323, 452, 148, 149, 324 and 326 of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Kot Ise Khan (Annexure P1) and all consequential proceedings arising therefrom, on the basis of compromise dated 14.12.2016 (Annexure P2).

Vide order dated 7.7.2017, a direction was given to the trial Court/Illaq Magistrate to record the statements of the parties and submit a report regarding the genuineness of the compromise effected

between the parties and whether any accused has been declared proclaimed offender.

In pursuance thereof, the trial Court has submitted a report dated 25.9.2017 (forwarded by District and Sessions Judge, Moga on 26.9.2017), after recording the statements of the parties, that the complainant-Sukhwinder Singh @ Sukha and accused- Keemti Lal, Parmod Kumar, Kala @ Rohit Kumar, Sandeep Kumar @ Sonu, Vikas Kumar, Pardeep Kumar and Harjit Singh 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 and no proclamation proceedings are pending against the accused. This fact is not disputed by learned State Counsel, who has submitted, on instructions from Assistant Sub Inspector-Kuldeep Singh that the petitioners are not the proclaimed offenders.

A perusal of the FIR shows that the complainant-Sukhwinder Singh and accused-Kala @ Rohit Kumar were neighbour and due to water, a quarrel took place and injury which was caused on the non vital part of the body i.e. on little finger of the left hand of the complainant, is declared as simple in nature and not dangerous to life, and, therefore, it is submitted that offence under Section 326 IPC is not made out.

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.130 dated 22.9.2016, under Sections 323, 452, 148, 149, 324 and 326 IPC registered at Police Station Kot Ise Khan (Annexure P1) and all the consequential proceedings, arising therefrom, are ordered to be quashed qua the petitioners .

(ARVIND SINGH SANGWAN)
JUDGE

September 29, 2017
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No

