

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26211 of 2016

Date of Decision: August 30, 2017

Prabhjot Kaur

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM:HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Krishan Sehajpal, Advocate
for the petitioners.
Mr. Randeep Singh Khaira, Assistant Advocate
General, Punjab.
Mr.Kewal Krishan,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.98 dated 8.3.2009, under Sections 420, 465,467,468,471 and 120-B of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Division No.4, Jullunder,District Jalandhar (Annexure P1) and all consequential proceedings arising therefrom, on the basis of compromise dated 19.7.2016 (Annexure P2) .

Vide order dated 13.1.2017, a direction was given to the Illaqa Magistrate 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 has submitted a report dated 17.8.2017 (forwarded by District & Sessions Judge Bathinda on 18.8.2017), that as per record, only Prabhjot Kaur has been arrayed as accused in FIR, who is facing trial of the case and trial Court, after recording the statement, that the complainant-Dilbagh Ram-respondent No.2, has appeared along with his respective counsel, who had identified them and got his statement recorded acknowledging that the compromise had been effected voluntarily, without any coercion or any undue influence. This fact is not disputed by learned State Counsel, who has submitted, on instructions from Assistant Sub Inspector-Amrik Singh that the petitioner is not the proclaimed offender .

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 judgement 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.98 dated 8.3.2009, under Sections 420, 465,467,468,471 and 120-B 'IPC' , registered at Police Station Division No.4, Jullunder,District Jalandhar) (Annexure P1) and all the consequential proceedings, arising therefrom, are ordered to be quashed.

(ARVIND SINGH SANGWAN)
JUDGE

August 30, 2017

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Whether speaking/reasoned: Yes

Whether Reportable: Yes