

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

**CRM-16475 of 2017 in/and
CRM-M-26353 of 2016 (O&M)
Date of Decision: August 17, 2017**

Gurjant Singh @ Janta and others

.....Petitioners

Versus

State of Harayana and another

.....Respondents

CORAM:HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr.G.S.Sidhu Advocate
for the petitioners.

Mr.Arun Kumar, Assistant
Advocate General,Haryana

ARVIND SINGH SANGWAN, J.

CRM -16475 of 2017

This is an application for impleading Jasvir Singh @
Karan @ Jaskaran Singh @ Karna son of Banta Singh as petitioner No.5.

For the reasons stated in the application, same is
allowed. Jasvir Singh is impleaded as petitioner No.5. Amended memo of
parties is taken on record.

CRM-M-26353 of 2016

Petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.94 dated 4.7.2006, under Sections 447, 285, 506,148,149 of the Indian Penal Code, 1860 ('IPC' for short) and Section 25 of the Arms Act, 1959, registered at Police Station Baragudha, District Sirsa (Annexure P1), and all consequential proceedings arising therefrom on the basis of compromise/affidavit (Annexures P4 &P5) and for setting aside the judgment/order dated 13/16.8.2013 (Annexure P2).

Vide order dated 21.11.2016 this Court has directed the lower appellate Court to record the statements of the parties and submit a report regarding its satisfaction on the compromise .

In pursuance thereof, the trial Court has submitted a report dated 29.11.2016, after recording the statements of the parties, that the complainant and accused- petitioners have appeared along with their respective counsel, who had identified them and got their statement recorded acknowledging that the compromise had been effected voluntarily, without any coercion or any undue influence.

Learned counsel for the petitioners has submitted that it is a case of version and cross-version and the cross version, the accused persons have filed CRM-M-26343-2016 relating to the cross complaint and the same has already been allowed vide order dated 14.3.2017. Learned counsel has further submitted that the parties have entered into a legal and valid compromise and,therefore, the judgment of conviction and order of

sentence dated 13/16.8.2013 is liable to be set aside.

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 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.

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.94 dated 4.7.2006, under Sections 447, 285, 506,148,149 IPC and Section 25 of the Arms Act, 1959, registered at Police Station Baragudha, District Sirsa (Annexure P1) and all the consequential proceedings, arising therefrom, are

ordered to be quashed and the judgment/order dated 13/16.8.2013 is set aside.

(ARVIND SINGH SANGWAN)
JUDGE

August 17, 2017

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No