

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CRM-M -2926-2017
Date of Decision: 28.08.2017

Gurpreet Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr. Justice Arvind Singh Sangwan

Present: Mr.P.P.S. Duggal, Advocate
for the petitioners.
Mr.R.P.Khaira, Assistant Advocate General,
Punjab.
Ms.M.N.Jagoria, Advocate for
respondent Nos.2 to 5

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. 88 dated 21.11.2011 under Sections 326,323 read with Section 34 of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Mamdot District Ferozepur (Annexure P1) as well as complaint dated 6.6.2012 (Annexure P2) in which petitioners were summoned under Sections 326, 325, 323, 447, 148 and 149 IPC and all consequential proceedings arising therefrom, on the basis of compromise dated 8.12.2016 (Annexures P4 & P5).

It is not disputed that both the parties in these petitions are

seeking quashing of First Information Report and complaint which are cross case against each other on the basis of compromise dated 8.12.2016.

Vide order dated 31.1.2017, trial Court/ Illaqa Magistrate 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 whether any of the accused has been declared as proclaimed offenders.

In pursuance to the said order, the trial Court on 3.3.2017 (forwarded by District and Sessions Judge on 4.4.2017) ,after recording the statements of the parties, has reported that the complainant-Gurpreet Singh, Balkar Singh, Surjit Singh, Harjinder Singh, Paramjit Singh, Preeto Bai, Ramesh Singh @ Sukhjinder Singh and accused-Bagicha Singh, Sumitra Bai, Mukhtiar Singh and Paramjit Kaur 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 . The trial Court has further stated that none of the accused has been declared as 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, this petition is allowed. FIR No. 88 dated 21.11.2011 under Sections 326, 323 read with Section 34 IPC registered at Police Station Mamdot District Ferozepur (Annexure P1) as well as complaint dated 6.6.2012 (Annexure P2) along with all the consequential proceedings, arising thereto, including summoning order dated 30.9.2014 (Annexure P3) are quashed .

(ARVIND SINGH SANGWAN)
JUDGE

August 28, 2017
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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No