

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

**CRM-M-31591 of 2017**

**Date of Decision: November 08, 2017**

Jasvir Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

**CORAM:HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

**Present:**Mr. Avtar K Handa, Advocate

for the petitioners.

Ms.Seena Mand, Deputy Advocate

General,Punjab

Mr.Jagseer Singh, Advocate for respondent No.2

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**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. 59 dated 12.4.2016, under Sections 406, 420, 120-B of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Phase 1, Sahibzada Ajit Singh Nagar,Mohali (Annexure P2) and all consequential proceedings arising therefrom, on the basis of compromise/affidavit dated 13.10.2017 (Annexure P1) .

Vide order dated 25.8.2017, 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 has submitted a report

dated 27.9.2017(forwarded by the District and Sessions Judge, Sahibzada Ajit Singh Nagar on 29.9.2017), after recording the statements of the parties, that the complainant-Sukhwinder Singh Kahlon and all the accused,namely, Jasvir Singh and Karnail 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. The trial Court has further submitted that, as per the statement of Assistant Sub Inspector-Baljinder Singh, there are only two accused and none of them is 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. 59 dated 12.4.2016, under Sections 406, 420, 120-B IPC, registered at Police Station Phase I, Sahibzada Ajit Singh Nagar Mohali (Annexure P2) and all the consequential proceedings, arising therefrom, are ordered to be quashed subject to depositing of costs by the petitioners in the sum of ₹ 5000/- with the District Legal Services Authority, Mohali within eight weeks from today, failing which this order shall stand recalled automatically without reference to the Court.

**(ARVIND SINGH SANGWAN)**  
**JUDGE**

**November 08, 2017**  
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Whether speaking/reasoned: Yes  
Whether Reportable : Yes/No