

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31799 of 2017
Date of Decision: September 29, 2017

Gurcharan Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM:HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr.Digvijay Nagpal,Advocate for
Mr.K.S.Brar,Advocate for the petitioners.
Ms.Simranjeet Kaur,Assistant Advocate General Punjab
Mr.Ajay Kumar, Advocate for
Mr. Zubin Chhura. Advocate for respondents No.2 to 4

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.65 dated 1.4.2017, under Section 308 read with Section 34 of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Nathana, Tehsil and District Bathinda (Annexure P1) and all consequential proceedings arising therefrom, on the basis of compromise dated 8.5.2017 (Annexure P2).

Vide order dated 29.8.2017, 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 21.9.2017 (forwarded by District and Sessions Judge, Bathinda on 22.9.2017), after recording the statements of the parties, that the complainant-Gobind Singh and other injured,namely, Kaka Singh, Kulwant Singh @ Romi and accused- Gurcharan Singh,Naib Singh, Kulwinder Singh @ Vicky, Balwinder Singh @ Lovely 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. It is further submitted that the petitioners are not declared as proclaimed offenders.

A perusal of the doctor report shows that although the injury is by blunt weapon yet it is not declared as grievous and,therefore, the offence under Section 308 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.65 dated 1.4.2017, under Section 308 read with Section 34 IPC, registered at Police Station Nathana, Tehsil and District Bathinda (Annexure P1) and all the consequential proceedings, arising therefrom, are ordered to be quashed qua the petitioners .

(ARVIND SINGH SANGWAN)
JUDGE

September 29, 2017

arya

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No