

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Date of Decision: 6.10.2017

CRM-M-31959-2017

Sukhwinder Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CRM-M-31997-2017

Mangal Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr. Justice Arvind Singh Sangwan

Present: Mr.Rakesh Kumar, Advocate for the petitioners and
for respondent No. 2 & 3 in CRM-M-31997-2017.

Mr.Amandeep S.Gill, Senior Deputy Advocate
General, Punjab

Mr.Navjot Singh, Advocate for respondents No.2 to 4
and for the petitioners in CRM-M-31997-2017

Arvind Singh Sangwan, J.

This order will dispose of above mentioned two petitions i.e.

CRM-M-31959-2017 and CRM-M-31997-2017. In CRM-M-31959-2017,

FIR No. 105 dated 26.7.2017, under Sections 323, 324, 452, 506, 148 and 149 (Section 326/307 added subsequently) of the Indian Penal Code, 1860 ('IPC' for short), (*Annexure P1*) and in CRM-M-31997-2017 petitioner is seeking quashing of DDR No. 020 dated 27.7.2017 (*Annexure P2*) under Section 323, 324, 452, 427, 148 and 149 IPC (Sections 325/326 IPC added later on), both registered at Police Station Sadar Kapurthala, Tehsil and District Kapurthala along with all consequential proceedings arising therefrom on the basis of compromise dated 5.8.2017 (*Annexure P3*). +

In both the cases, vide order dated 30.8.2017, a direction was given to the trial Court/Illaq Magistrate to record the statements of the parties and submit a report qua the genuineness of the compromise effected between the parties and to intimate whether any case is pending against either of the parties and if any proceeding to declare any accused proclaimed offender is pending or not.

In pursuance thereof, the trial Court (in both the cases) has submitted a report dated 29.9.2017 (forwarded by District and Sessions Judge, Kapurthala on 3.10.2017), after recording the statements of the parties, that the complainants and accused 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 MHC of Police Station Sadar Kapurthala has reported that accused-Piara Singh, Sukhwinder Singh, Jaswinder Kaur, Billa, Shammi, Sheera, Bimla Kumari, Ajay Kumar and Sonia (in CRM-M-31959-2017) and accused-

Mangal Singh, Sukhdev Singh, Narinder Singh, Nisha, Sundi, Kali, Aman and Saroj (in CRM-M-31997-2017) have not been declared as proclaimed offenders and, as such, accused-Sukhwinder Kaur has not been declared as proclaimed offender in any case but FIR No. 58 dated 21.4.2017 under Sections 353/186/295 IPC registered at Police Station Sadar is pending against her.

The doctor, vide report dated 27.7.2017, stated qua injury No.1, on Mangal Singh *“grievous, could have been dangerous to life”*. Therefore, no specific opinion has been given that this injury is dangerous to life.

Learned State counsel, has submitted that the offence under Section 307 is not made out as injury though reported as grievous yet the same was not declared dangerous to life by the doctor as no definite opinion has been given.

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.

The Apex Court in **Narinder Singh and others vs. State of Punjab and another** 2014(2) RCR(Criminal) 482 has laid down certain guidelines/parameters wherein even for offence under Section 307 IPC, this Court in exercise of its power under Section 482 Cr.P.C. can take cognizance of a compromise wherein such compromise has been effected at the very initial stage.

This Court in **Manjit Singh and others vs. State of Punjab and others** 2017(2)RCR(Criminal) 311 has held that even though the complainant is stated to have suffered a grievous injury on his head on account of a gandasi blow and which in turn has attracted offence under Section 336 as well as 307 IPC yet in view of the settlement arrived at between the parties, FIR can be quashed.

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, both the above-mentioned petitions are allowed. FIR No. 105 dated 26.7.2017, under Sections 323, 324, 452, 506, 148 and 149 (Section 326/307 added subsequently) IPC and DDR No. 020 dated 27.7.2017 under Section 323, 324, 452, 427, 148 and 149 IPC (Sections

325/326 IPC added later on), registered at Police Station Sadar Kapurthala, Tehsil and District Kapurthala along with all the consequential proceedings, arising therefrom, are ordered to be quashed qua the petitioners.

(ARVIND SINGH SANGWAN)
JUDGE

October 06, 2017
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No