

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

CRM-M-32199 of 2017

Date of Decision: September 27, 2017

Gurmej Singh @ Ghela and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM:HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr.R.K.Arya, Advocate
for the petitioners.

Mr. Randeep Singh Khaira, Assistant Advocate
General, Punjab.

Mr.Himanshu Monga, Advocate for respondent No.2

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.0036 dated 21.6.2017, under Sections 363, 323, 324, 379, 341, 148 and 149 of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Bhaini Mian Khan, District Gurdaspur (Annexure P1) and all consequential proceedings arising therefrom, on the basis of compromise dated 26.8.2017 (Annexure P2) .

Vide order dated 31.8.2017, a direction was given to the Illaqa Magistrate/trial Court to record the statements of the parties and submit a report regarding the genuineness of the compromise effected between the

parties and also 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 has submitted a report dated 14.9.2017 (forwarded by the District and Sessions Judge, Gurdaspur on 16.9.2017), that out of three accused, Pawandeep Singh @ Ladda is reported to have died on 27.7.2017 and, after recording the statements of the parties, has further submitted that the complainant-Navinder Singh and remaining two accused, namely, Gurmej Singh @ Ghela and Dalip 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. This fact is not disputed by learned State Counsel, who has submitted, on instructions from Assistant Sub Inspector-Avtar Singh, that the petitioners are not the 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.0036 dated 21.6.2017, under Sections 363, 323, 324, 379, 341, 148 and 149 IPC , registered at Police Station Bhaini Main Khan, District Gurdaspur (Annexure P1) and all the consequential proceedings, arising therefrom, are ordered to be quashed.

(ARVIND SINGH SANGWAN)
JUDGE

September 27, 2017
arya

Whether speaking/reasoned: Yes
Whether Reportable: Yes