

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

CRM-M-33278-2017(O&M)

Date of decision: 24.10.2017

Harmanpreet Singh @ Gagna

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sham Lal Bhalla, Advocate
for the petitioners.

Mr. A.S.Gill, Sr. DAG, Punjab.

Ms.Manpreet Ghuman, Advocate
for respondent No.2.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of the FIR No.65, dated 31.05.2016, under Section 379-B IPC, registered at Police Station Machhiwara, District Khanna (Anneuxre P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 24.03.2017 (Annexure P-2).

Vide order dated 11.09.2017, the parties were directed to appear before the trial Court for recording their respective statements with regard to compromise.

In pursuance thereof, report dated 12.10.2017 has been submitted by the trial Court and reported that the parties have entered into a valid and genuine compromise and the petitioner is not declared a proclaimed offender.

Learned counsel for the petitioner further submits that the FIR qua three co-accused, namely, Harwinder Singh, Arashdeep Singh @ Harshand, Gurmeet Singh has already been quashed by this Court vide order

dated 18.08.2017 passed in CRM-M-14931 of 2017, the operative part of the order is reproduced as below:

“ Petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.65 dated 31.5.2016, under Section 379-B of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Machhiwara, District Khanna (Annexure P1) and all consequential proceedings arising therefrom, on the basis of compromise dated 24.3.2017 (Annexure P2).

Vide order dated 1.5.2017, a direction was given to the Area Magistrate 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 there is any other person involved who is not a party to the present occurrence.

In pursuance thereof, the trial Court has submitted a report dated 10.7.2017, after recording the statements of the parties, that the complainant-Manjit Singh-respondent No.2, and accused- Harwinder Singh, Arashdeep Singh @ Harsh, Gurmeet Singh have appeared along with their respective counsel, who had identified them and got their statement recorded acknowledging that the compromise had been effected voluntarily, without any coercion or any undue influence. However, Harmanpreet Singh @ Gagna, petitioner No.3(in the present petition) did not come present and his statement could not be recorded.

*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.65 dated 31.5.2016, under Section 379-B IPC, registered at Police Station Machhiwara, District Khanna (Annexure P1) and all the consequential proceedings, arising therefrom, are ordered to be quashed qua the petitioners- Harwinder Singh, Arashdeep Singh @ Harshand Gurmeet Singh.”

In view of the above, the present petition is allowed. FIR No.65, dated 31.05.2016, under Section 379-B IPC, registered at Police Station Machhiwara, District Khanna (Anneuxre P-1) and all subsequent proceedings, arising therefrom is ordered to be quashed qua the petitioner.

(ARVIND SINGH SANGWAN)
JUDGE

24.10.2017

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No