

234 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(i) CRM-M-33557-2017(O&M)
Date of decision:10.11.2017

Gurpreet Singh ...Petitioner
Versus
State of Punjab and another ...Respondents

(ii) CRM-M-34007-2017(O&M)
Date of decision:10.11.2017

Gurpreet Singh ...Petitioner
Versus
State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Sarika Gupta Advocate
for the petitioner.

Mr. Anmol Sandhu, Assistant Advocate General, Punjab.

Ms. Divya Godara, Advocate
for respondent No.2.

ARVIND SINGH SANGWAN, J. (ORAL)

CRM-35985-2017 in CRM-M-33557-2017

This is an application for placing on record the application
(Annexures P-5) and challan (Annexure P-6).

Application is allowed. Annexures P-5 and P-6 are taken on record.

CRM-M-33557-2017(O&M) & CRM-M-34007-2017 (O&M)

Prayer in the present petitions i.e. CRM-M-34007-2017, is for
quashing of the order dated 15.10.2017 (Annexure P-2), vide which the petitioner
has been declared as proclaimed offender in case FIR No.100, dated 01.05.2005,
under Sections 452, 323, 324, 427, 506 IPC (Section 326 IPC was added later
on), registered at Police Station Nawanshahr and prayer in CRM-M-33557-2017
is for quashing of FIR No.100 dated 01.05.2005, on the basis of compromise

dated 23.09.2016 (Annexure P-2) and affidavit of complainant (Annexure P-3).

Vide order dated 13.09.2017, the parties were directed to appear before the trial Court and record their statements in support of compromise. It was also directed that the petitioner will pay a cost of Rs.2 lacs, to be deposited in the Government Treasury as he was declared proclaimed offender on 15.10.2007.

The trial Court has submitted a report dated 17.10.2017 and as per the report, the complainant- Nath Singh, who is the only injured person, has stated that he has compromised the matter with Gurpreet Singh-petitioner-accused and the compromise has been effected between them with his free will and without any undue influence and coercion. The statement of Sohan Lal and Jog Raj, Numberdar, who identified the parties, have also recorded by the trial Court. On behalf of the petitioner, his grand father-Ajit Singh, appeared and stated that a compromise has been effected between the parties and there are no objection if the FIR is quashed.

As per the compromise dated 23.09.2016, which has been duly acknowledged by both the parties, it is resolved that the parties have decided to resolved their dispute amicably and not to file any case or take any action against each other and have decided to live in peace as they are resident of the same place.

The petitioner was declared a proclaimed offender, vide order dated 15.10.2007 as he was living abroad i.e. in U.K. and it is submitted on behalf of the petitioner that when the proceedings under Section 82 Cr.P.C. were initiated, he was not residing in India and therefore, neither any summons of the Court or warrant were served on the petitioner. It is also submitted that the proclamation was made at a place which was not his ordinary place of residence. The petitioner has also submitted that since the time he was declared a proclaimed

offender i.e. in the year 2007, he has not returned back to India as he is in advance stage of acquiring of PR status and therefore, he has compromised the matter through his grand-father Ajit Singh. It is further submitted that the FIR was registered originally against the two persons i.e. petitioner-Gurpreet Singh and one Shinda, who has already expired, during the pendency of the trial.

Considering the fact that the parties have compromised the matter with also considering the hardship faced by the petitioner that he is unable to return back in India and also in view of fact, that he was declared a proclaimed offender way back in 2007, the petitioner was directed to pay a cost of Rs.2 lacs to be deposited in the Government Treasury.

The learned counsel for the petitioner has placed on record the treasury challan dated 20.09.2017 (Annexure P-6), vide which he has deposited the cost of Rs.2,00,000/- (Rupees two lacs only) in the Government Treasury at Nawanshahr.

In view of the fact that the parties have entered into a valid and proper compromise which has been duly acknowledged by them as per the report of the trial Court and the parties have decided to live in peace and have further decided not to file any complaint against each other, and also in view of the fact that a perusal of the compromise shows that the parties are closely relative to each other and the offences fall in the category which can be compromised as per the Full Bench judgment of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, wherein it is held that 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 deem it appropriate that the same was required to prevent the abuse of the process of Court or to otherwise secure the ends of justice and this power of quashing is not confined to matrimonial disputes alone.

Since the 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 judgment passed by Hon'ble the Supreme Court of India in ***“Gian Singh vs State of Punjab and another”***, 2012(4) R.C.R. (Criminal) 543, 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 the parties have arrived at a compromise and have decided to live in peace.

Accordingly, both the present petitions are allowed. FIR No.100, dated 01.05.2005, under Sections 452, 323, 324, 427, 506 IPC (Section 326 IPC was added later on), registered at Police Station Nawanshahr and all subsequent proceedings arising therefrom is ordered to be quashed qua the petitioner and the order dated 15.10.2007 declaring the petitioner a proclaimed offender is also quashed as the petitioner has deposited costs of Rs.2,00,000/- in Government Treasury for delaying the proceedings of Court.

A photocopy of this order be placed on the other connected case.

(ARVIND SINGH SANGWAN)
JUDGE

10.11.2017
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No