

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

**CRM-M-33814-2017(O&M)
Date of decision: 07.12.2017**

Harpal Singh @ Nikka and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Achin Gupta, Advocate
for the petitioners.

Mr. A.S.Gill, Sr. DAG, Punjab
for respondent No.1-State.

Mr. Ankush Singla, Advocate
for respondent No. 2.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of FIR No.56, dated 30.05.2016, under Sections 295, 427 of IPC, registered at Police Station City Kotkapura Sadar, District Faridkot on the basis of compromise.

Vide order dated 13.09.2017, the parties were directed to appear before the trial Court for recording of their respective statements with regard to compromise and the trial Court was directed to submit a report, if the compromise is genuine, voluntary and without any coercion or undue influence and if any of the accused person is a proclaimed offender or not.

The report of the trial Court dated 16.10.2017 has been received and as per the report, complainant-Varinder Kumar has appeared before the trial Court and has made a statement on 27.09.2017 that a written compromise has been effected between them which is genuine, voluntary and without any pressure or coercion. The complainant has no objection if the present FIR against the petitioner is quashed. Similar statement was made by the accused

Harpal Singh @ Nikka son of Gurcharan Singh and Gurkirat Singh @ Labbu
son of Harpal Singh @ Nikka.

The trial Court has also stated in the report that none of the accused person is a proclaimed offender and the compromise has been effected between the parties of their own free will and without any coercion or undue influence.

Learned counsel for the petitioner further submits that the dispute was with regard to damage to the wall of the temple and the petitioners have compensated the complainant in this regard and the compromise has been effected with the intervention of the respectables of the village. It is further submitted that the petitioners and the complainant are resident of the same village and the compromise has been effected in order to maintain peace and harmony in the village and will improve the relationship between the parties.

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 empowered under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court observe 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, the present petition is allowed. FIR No.56, dated 30.05.2016, under Sections 295, 427 of IPC, registered at Police Station City Kotkapura Sadar, District Faridkot along with all the consequential proceedings, arising therefrom, are ordered to be quashed qua the petitioners.

(ARVIND SINGH SANGWAN)
JUDGE

07.12.2017
Hemlata

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