

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

CRM-M-34223 of 2017

Date of Decision: November 10, 2017

Gurcharan Singh @ Raju Doburji and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM:HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr.Kunal Vinayak, Advocate
for the petitioners.

Mr.Anmol Sandhu, Assistant Advocate
General,Punjab

Mr. Satish Jaswal, Advocate for

Mr. Dixit Garg, 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.219 dated 18.7.2017, under Sections 323, 341, 506, 148 and 149 (Sections 324,326 added subsequently) of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Division A, District Amritsar (Annexure P1) and all consequential proceedings arising therefrom, on the basis of compromise dated 21.8.2017 (Annexure P2) .

Vide order dated 14.9.2017, a direction was given to the 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 accused is proclaimed offender.

In pursuance thereof, the trial Court has submitted a report dated 3.10.2017 (forwarded by the District and Sessions Judge, Amritsar on 4.10.2017), after recording the statements of the parties, that the complainant-Karan Khanna and all the accused-petitioners namely Gurcharan Singh @ Raju Doburji, Vijay Kumar Arora and Sarwan Arora 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. The trial Court has further submitted that there are six accused and the complainant has compromised the matter with the petitioners only and none of them is proclaimed offender.

Learned counsel for the petitioners has referred to the judgment of the Apex Court in **Jayrajsinh Digvijaysinh Rana vs. State of Gujarat and another** 2012(4) R.C.R.(Criminal) 589 wherein it has been held as under:-

On going through the factual details, earlier decision, various offences under [Section 320](#) of the Code and invocation of [Section 482](#) of the Code, we fully concur with the said conclusion. In the case on hand, irrespective of the earlier dispute between Respondent No. 2- the complainant and the appellant being Accused No. 3 as well as Accused Nos. 1 and 2 subsequently and after getting all the materials, relevant details etc., the present appellant (Accused No. 3) sworn an affidavit with bona fide intention securing the right, title and interest in favour of Respondent No.2 herein-the Complainant. In such bona fide circumstances, the power under [Section 482](#) may be exercised.

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. 219 dated 18.7.2017, under Sections 323, 341, 506, 148, and 149 IPC (Sections 324 and 326 IPC added later on) (Annexure P1) and all the consequential proceedings, arising therefrom, are ordered to be quashed qua the

petitioners-Gurcharan Singh @ Raju Doburji, Vijay Kumar Arora and Sarwan Arora.

(ARVIND SINGH SANGWAN)
JUDGE

November 10, 2017
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Whether speaking/reasoned: Yes/No
Whether Reportable : Yes/No