

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

CRM-M-35081 of 2016

Date of Decision: September 08, 2017

Nitu @ Nitin and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM:HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:Mr. M.S.Dhindsa, Advocate

for the petitioners.

Mr. Randeep Singh Khaira, Assistant Advocate

General, Punjab.

Mr.Ashok Giri,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. 43 dated 25.4.2015, under Sections 323, 341, 506, 379 read with Section 34 of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Nangal, District Rupnagar (Annexure P1) and all consequential proceedings arising therefrom, on the basis of compromise dated 4.5.2015 (Annexure P2) .

Vide order dated 7.11.2016, a direction was given to the Chief Judicial Magistrate/Illaqa 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 any criminal proceedings are pending against either of the parties before the next date of hearing.

In pursuance thereof, the trial Court has submitted a report dated 10.1.2017(forwarded by the District and Sessions Judge, Rupnagar on 11.1.2017), after recording the statements of the parties, that the complainant-Saurav Kapila and witness Anmol Kapila and accused- Nitu @ Nitin,Amrinder Singh, Tony, Anand Puri and Ishan Saini 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 Head Constable-Madan Lal, that the petitioners are not the proclaimed offenders.

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. 43 dated 25.4.2015, under Sections 323, 341, 506, 379 read with Section 34 of the 'IPC', registered at Police Station Nangal, District Rupnagar (Annexure P1) and all the consequential proceedings, arising therefrom, are ordered to be quashed qua the petitioners.

(ARVIND SINGH SANGWAN)
JUDGE

September 08, 2017
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Whether speaking/reasoned: Yes

Whether Reportable: Yes