

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

CRM-M-34319-2017(O&M)

Date of decision: 27.10.2017

Vinod Kumari and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Parminder Singh, Advocate
for the petitioners.

Ms. Rajni Gupta, Sr. DAG, Punjab.

Ms. Kamlesh, Advocate for respondent No.2.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of FIR No.68, dated 05.09.2010, under Sections 452, 323, 34 IPC, registered at Police Station Chhabewal, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 01.09.2017 (Annexure P-3).

Learned counsel for the petitioner submits that the police has submitted a report under Section 173 Cr.P.C. against petitioner No.3-Ranvir Singh. One of co-accused Rana Davinder has since expired. Later on, petitioner No.1 and 2 were ordered to be summoned as additional accused under Section 319 Cr.P.C. vide order dated 01.07.2014.

Vide order dated 14.09.2017, the parties were directed to appear before the trial Court for recording of their respective statements and petitioners were also directed to deposit an amount of ₹5,000/- as costs, on account of cost of proceedings in the trial Court.

In pursuance thereof, the trial Court has submitted a report

dated 16.10.2017 (forwarded by District and Sessions Judge, Hoshiarpur).

As per this report, the parties have entered into a compromise voluntarily, without any pressure or undue influence or coercion. It is also stated that the cost of ₹5,000/- has already been deposited by the petitioners in the account of District Legal Services Authority, Hoshiarpur. It is also reported that none of the accused has been declared proclaimed offender in the present case.

A perusal of the compromise shows that the parties are closely relative to each other and the offences made 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***, 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.

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.

The Apex Court in *Narinder Singh and others vs. State of Punjab and another* 2014(2) RCR(Criminal) 482 has laid down certain guidelines/parameters wherein even for offence under Section 307 IPC, this Court in exercise of its power under Section 482 Cr.P.C. can take cognizance of a compromise wherein such compromise has been effected at the very initial stage.

This Court in *Manjit Singh and others vs. State of Punjab and others* 2017(2)RCR(Criminal) 311 has held that even though the complainant is stated to have suffered a grievous injury on his head on account of a gandasi blow and which in turn has attracted offence under Section 336 as well as 307 IPC yet in view of the settlement arrived at between the parties, FIR can be quashed.

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.68, dated 05.09.2010, under Sections 452, 323, 34 IPC, registered at Police Station Chhabewal, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom is ordered to be quashed qua the petitioners.

(ARVIND SINGH SANGWAN)
JUDGE

27.10.2017
Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No