

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34769 of 2017

Date of Decision: December 19, 2017

Sardar Masih Bhatti and another.....Petitioners

Versus

State of Punjab and another.....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr.B.D.Sharma, Advocate for the petitioners.

Ms. Rajni Gupta, Senior Deputy Advocate General, Punjab.

Mr.Lalit Chander Sharma, Advocate for respondent No.2

ARVIND SINGH SANGWAN, J.

Petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No. 124 dated 26.9.2007 under Sections 297, 379, 427, 420, 465, 467, 468, 471, 120-B of the Indian Penal Code, 1860 ('IPC' for short) registered at Police Station Lambra, District Jalandhar (Annexure P1) and all consequential proceedings arising therefrom, on the basis of compromise dated 9.2.2017 (Annexure P3) .

Vide order dated 13.11.2017, 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 27.11.2017 (forwarded by the District and Sessions Judge, Jalandhar), after recording the statements of the parties, that the complainant-Taj Masih Bhati and the accused-petitioners-Sardar Masih Bhati and Kashmir Kumari Bhati 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 reported that both the accused were declared proclaimed offenders on 25.1.2010 but later released on interim bail as per the order of this Court dated 13.11.2017, subject to payment of costs of ₹ one lakh (receipt acknowledging payment of fine taken on record as Mark A')

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.

The Apex Court in Central Bureau of Investigation vs. Sadhu Ram Singla and others (2017) 5 Supreme Court Cases 350 has held as under:-

“Having carefully considered the singular facts and circumstances of the present case, and also the law relating to the continuance of criminal cases where the complainant and the accused had settled their differences and had arrived at an amicable arrangement, we see no reason to differ with the view taken in Manoj Sharma’s case (supra) and several decisions of this Court delivered thereafter with respect to the doctrine of judicial restraint. In concluding hereinabove, we are not unmindful of the view recorded in the decisions cited at the Bar that depending on the attendant facts, continuance of the criminal proceedings, after a compromise has been arrived at between the complainant and the accused, would amount to abuse of process of Court and an exercise in futility since the trial would be prolonged and ultimately, it may end in a decision which may be of no consequence to any of the parties.”

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.

It is worth noticing here that co-accused-Allias Masih

has already been acquitted by the trial Court vide judgment dated 17.11.2014 (Annexure P2).

Accordingly, this petition is allowed. FIR No. 124 dated 26.9.2007 under Sections 297, 379, 427, 420, 465, 467, 468, 471, 120-B IPC registered at Police Station Lambra, District Jalandhar (Annexure P1) and all the consequential proceedings, arising therefrom, are ordered to be quashed qua petitioners.

(ARVIND SINGH SANGWAN)
JUDGE

December 19, 2017
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Whether speaking/reasoned: Yes
Whether Reportable : No