

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

CRM-M-35410 of 2017

Date of Decision: October 31, 2017

Gurbinder Singh and Others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM:HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr.L.S.Sidhu, Advocate for the petitioners.

Mr. Karanbir Singh, Assistant Advocate
General, Punjab.

Mr.D.S.Sidhu, Advocate for respondents No. 2 and 3

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. 47 dated 10.3.2017 under Sections 379/427 of the Indian Penal Code, 1860 ('IPC' for short) registered at Police Station Dharamkot, District Moga (Annexure P1) and all consequential proceedings arising therefrom, on the basis of compromise dated 31.5.2017 (Annexure P2) .

Vide order dated 21.9.2017, 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 13.10.2017 (forwarded by the District and Sessions Judge, Moga on 17.10.2017), after recording the statements of the parties. The trial Court has submitted that the complainant-Paramjit Singh and other victim-Sukhdeep Kaur and accused-Gurbir Singh, Sher Singh @ Shamsher Singh, Sandeep Singh, Hari Singh, Gurbinder Singh and Jodginder Singh 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 none of the accused has been declared proclaimed offender in the present FIR.

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. 47 dated 10.3.2017 under Sections 379/427 IPC registered at Police Station Dharamkot, District Moga (Annexure P1) and all the consequential proceedings, arising therefrom, are ordered to be quashed.

(ARVIND SINGH SANGWAN)
JUDGE

October 31, 2017
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No