

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

**CRM-M-36424 of 2015 (O&M)
Date of Decision: August 21, 2017**

Hardev Singh and others

...Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM:HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr.Harpreet Singh, Advocate
for the petitioner.
Mr.R.S.KhairaAssistant
Advocate General,Punjab
with Sub Inspector Karnail Singh
Mr.Rahul Arora, Advocate for
Mr.Raman Goklaney,Advocate for
respondents No. 2 to 7

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.125 dated 21.10.2015, under Sections 420/120-B of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Sadar, Jalalabad District Fazilka (Annexure P1), and all consequential proceedings arising therefrom on the basis of compromise dated 29.9.2015 (Annexure P2) and joint affidavit dated 29.9.2015 (Annexure P3).

Vide order dated 21.10.2015, this Court has directed the trial

Court to record the statements of the parties and submit a report regarding its satisfaction on the compromise and whether all the accused are appearing before the Court and whether any of the accused is declared proclaimed offender.

In pursuance thereof, the trial Court has submitted a report dated 10.3.2017, after recording the statements of the parties, that the respondents-Darshan Singh, Jeewan Singh, Sampuran Singh, Joginder Singh and Neel Kamal and accused-petitioners have appeared along with their respective counsel, who had identified them and got their statement 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 Sub Inspector-Karnail Singh, 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 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.

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.125 dated 21.8.2015, under Sections 420/120-B IPC registered at Police Station Sadar, Jalalabad District Fazilka (Annexure P1) and all the consequential proceedings, arising therefrom, are ordered to be quashed qua the petitioners.

(ARVIND SINGH SANGWAN)
JUDGE

August 21, 2017

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No