

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of Decision:December 14, 2017

CRM-M-39938 of 2013 (O&M)

Nanakjit and Others.....Petitioner

Versus

State of Punjab and another.....Respondents

CRM-M-3158 of 2014

Vidya Nath and othersPetitioners

Versus

State of Punjab and another.....Respondents

CORAM:HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:Mr.Deepak Nayar,Advocate for the petitioners

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

Mr.B.S.Saini,Advocate for respondent No. 3 to 6 in CRM-M-39938-2013

ARVIND SINGH SANGWAN, J.

This order will dispose of above mentioned two petitions
i.e. CRM-M-39938-2013 and *CRM-M-3158-2014*. In both these petitions,
petitioners are seeking quashing of FIR No.322 dated 23.12.2012 under
Sections 323,324,148,149 of the Indian Penal Code, 1860 (' IPC ' for short)
registered at Police Station Cantonment, District Amritsar (Annexure P1)
along with all consequential proceedings arising therefrom on the basis of

compromise dated 24.9.2013.

In both the cases, vide order dated 17.10.2016, the Illaqa Magistrate was directed to record the statements of the parties and send its report with regard to genuineness of the compromise effected between the parties.

In pursuance to the said order, in both the cases the trial Court on 16.2.2016/21.3.2017 (forwarded by the District and Sessions Judge, Amritsar), has submitted a report. The trial Court, after recording the statements of the parties, has reported that the complainants-Vidya Nath, Suresh Kumar, Ramesh Kumar, Abishek Kumar and Varinder Kumar and accused-Nanakjit Singh, Ram Singh, Bharat Kumar, Karan Kumar, Bira, Manjit Singh, Harjit Singh and Shiv Nath have appeared and identified by their respective counsel representing them in the trial Court and that the compromise effected between the parties was voluntarily and without any coercion, pressure. This fact is not disputed by learned State Counsel, who has submitted, on instructions from Assistant Sub Inspector-Dilbag Singh that the petitioners are not the proclaimed offender.

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 that after 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. In view of the discussion we made in the preceding paragraphs, in our opinion, it

would be proper to keep the said point of law open. However, in the given facts, we dismiss this appeal.

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, both the petitions are allowed. FIR No.322 dated 23.12.2012 under Sections 323,324,148,149 IPC registered at Police Station Cantonment, District Amritsar (Annexure P1) and all the consequential proceedings, arising therefrom, are ordered to be quashed.

(ARVIND SINGH SANGWAN)
JUDGE

December 14, 2017
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Whether speaking/reasoned: Yes/No
Whether Reportable : Yes/No