

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

CRM-M-39485 of 2016

Date of Decision: August 29, 2017

Jagsir Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM:HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.S.Brar, Advocate
for the petitioner.
Mr. Randeep Singh Khaira, Assistant Advocate
General, Punjab.
Mr.Shahil,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. 41 dated 22.5.2014, under Sections 324/323/201 of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Kotbhai, District Sri Muktsar Sahib (Annexure P1) and all consequential proceedings arising therefrom, on the basis of compromise dated 2.7.2016 (Annexure P2) including the appeal pending against the judgment of conviction dated 26.11.2015 .

Vide order dated 7.11.2016, a direction was given to the appellate 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 with regard to pendency of any PO proceedings against

the parties.

In pursuance thereof, the trial Court has submitted a report dated 4.1.2017 (forwarded by the District and Sessions Judge Sri Muktsar Sahib on 7.1.2017), after recording the statements of the parties, that the complainant-Buta Singh and accused-Jagsir Singh 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 and no accused has been declared as proclaimed offender. It is further reported that accused-Jagsir Singh has not been declared Proclaimed Offender in any other case.

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. 41 dated 22.5.2014, under Sections 324/323/201 IPC, registered at Police Station Kotbhai, District Sri Muktsar Sahib (Annexure P1) and all consequential proceedings arising therefrom, on the basis of compromise dated 2.7.2016 (Annexure P2) are ordered to be quashed and the judgment of conviction dated 26.11.2015 is set aside .

(ARVIND SINGH SANGWAN)
JUDGE

August 29, 2017
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Whether speaking/reasoned: Yes

Whether Reportable: Yes