

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39658 of 2016

Date of Decision: August 28, 2017

Shiv Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM:HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr.Saravpreet Singh Gurna, Advocate
for the petitioners.
Mr. Randeep Singh Khaira, Assistant Advocate
General, Punjab.

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. 42 dated 4.3.2016, under Sections 384, 323, 506 read with Section 34 of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Civil Lines Patiala and all consequential proceedings arising therefrom, on the basis of compromise 30.9.2016 (Annexure P1) .

Vide order dated 26.7.2017, 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 of the accused has been declared as proclaimed offender.

In pursuance thereof, the trial Court has submitted a report dated 8.8.2017, forwarded by District and Sessions Judge, Patiala on 9.8.2017, after recording the statements of the parties, that the complainant-Sheetal Kumar and accused- Shiv Kumar 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. This fact is not disputed by learned State Counsel, who has submitted, on instructions from Assistant Sub Inspector-Gurmeet Singh that the petitioner is 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.

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. 42 dated 4.3.2016, under Sections 384, 323, 506 read with Section 34 IPC, registered at Police Station Civil Lines Patiala (Annexure P1) and all the consequential proceedings, arising therefrom, are ordered to be quashed qua the petitioner.

(ARVIND SINGH SANGWAN)
JUDGE

August 28, 2017
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Whether speaking/reasoned: Yes

Whether Reportable: Yes