

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Date of Decision: 27.11.2017

CRM-M -41449-2016

Gurmeet @ Gurmit Singh and another.....Petitioners

Versus

State of Punjab and others.....Respondents

CRM-M -41588-2016

Iqbal Singh and another.....Petitioners

Versus

State of Punjab and others.....Respondents

Coram: Hon'ble Mr. Justice Arvind Singh Sangwan

Present: Mr. B.S.Bhalla, Advocate
for the petitioners (in CRM-M No. 41449 of 2016) AND
for respondents No. 2 and 3 (in CRM-M No.41588 of 2016)

Ms. Rajni Gupta, Senior Deputy Advocate General, Punjab

Mr. Harkaran Singh, Advocate
for respondents No. 2 and 3 (in CRM-M-41449-2016)
and for the petitioners (in CRM-M No.41588 of 2016)

ARVIND SINGH SANGWAN, J.

This order will dispose of above mentioned two petitions i.e. CRM-

M-41449-2016 and CRM-M -41588-2016. In the petition (CRM-M -41588-2016), petitioners are seeking quashing of DDR No. 21 dated 30.8.2007 under Sections 323,324 read with Section 34 (Section 326 added later on) of the Indian Penal Code, 1860 ('IPC' for short) registered at Police Station Mehna District Moga as a cross version in FIR No.126 dated 29.8.2007. In petition (CRM-M -41449-2016), petitioners are seeking quashing of FIR No.126 dated 29.8.2007 under Sections 326, 324 IPC registered at Police Station Mehna, District Moga (Annexure P1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P4).

It is not disputed that both the parties in these petitions are seeking quashing of DDR/FIR which are cross case against each other on the basis of compromise.

Vide order dated 5.9.2017, Lower Appellate Court 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, the Lower Appellate Court, after recording the statements of the parties, has reported on 28.9.2017 that the injured-complainant-Iqbal Singh and Avtar Singh @ Jagtar Singh and accused-Gurmeet Singh and Jagdeep Singh have appeared and identified by their respective counsel representing them in the Lower Appellate Court and that the compromise effected between the parties was voluntarily and without any coercion, pressure and no accused was declared as proclaimed offender.

Learned counsel for the petitioners has submitted that the

injuries sustained by complainants though reported as grievous yet was not dangerous to life and, therefore, no offence under Section 326 IPC is made out and it is a case falling under Section 324 IPC only.

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.

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.

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.126 dated 29.8.2017 under Sections 323, 324 IPC and cross case registered vide DDR

No. 21 dated 30.8.2007 under Sections 323,324 read with Section 34 IPC, whereby Section 326 IPC was added later, registered at Police Station Mehna District Moga, on the basis of settlement along with all the consequential proceedings, arising therefrom, are ordered to be quashed .

(ARVIND SINGH SANGWAN)
JUDGE

November 27, 2017
arya

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No