

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Date of Decision: 31.10.2017

CRM-M-40913-2015

Sarwan Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CRM-M -40920-2015

Tejinder Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr. Justice Arvind Singh Sangwan

Present: Mr.M.S.Chauhan, Advocate for the petitioners and
for respondents No. 2 & 3 in CRM-M-40920-2015.

Mr.Karanbir Singh, Assistant Advocate General, Punjab

Mr.Mohinder Kumar, Advocate for respondents No. 2 to 4
and for the petitioners in CRM-M-40920-2015.

Arvind Singh Sangwan, J.

This order will dispose of above mentioned two
petitions i.e. CRM-M-40913-2015 and CRM-M-40920-2015. In both the

petitions, petitioners are seeking quashing of FIR No. 110 dated 13.9.2015,

under Sections 307 read with Section 34 of the Indian Penal Code, 1860 ('IPC' for short) and Sections 25 and 27 of the Arms Act, 1959 ('the Act' for short) (Annexure P1) and cross case/DDR No. 28 dated 17.9.2015 (Annexure P2) under Sections 307, 323, 324, 148 and 149 IPC, both registered at Police Station Goindwal Sahib, District Tarn Taran Punjab along with all consequential proceedings arising therefrom on the basis of compromise .

In both the petitions, on 25.7.2017, a direction was given to the trial Court to record the statements of the parties and submit a report qua the genuineness of the compromise effected between the parties and to intimate whether any accused is proclaimed offender.

In pursuance thereof, the trial Court (in both the cases), after recording the statements of the parties, has submitted a report on 5.9.2017 (forwarded by Deputy Registrar (Criminal) on 5.9.2017) that the complainant-Tejinder Singh, Injured-Amandeep Singh and Awalpreet Singh and accused- Sarwan Singh, Maninder Singh, Sarabjit Singh, Gurjant Singh and Ranjit Singh 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 and no proclamation proceedings are pending against the accused. It is further submitted by the trial Court that there are total six accused and five accused were present and Amrik Singh had died and his death certificate is placed on record.

Learned counsel for the State has placed on record photocopy of the Police zimni No.23 dated 2.7.2017 vide which it is

reported that the accused only fired in air and, therefore, no offence under Section 307 IPC is made out and it is a case falling under Section 336 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 above-mentioned petitions are allowed.

FIR No. 110 dated 13.9.2015, under Sections 307 read with Section 34 of

IPC and Sections 25 and 27 of the Act' (Annexure P1) and cross case/DDR No. 28 dated 17.9.2015 (Annexure P2) under Sections 307,323,324,148 and 149 IPC, both registered at Police Station Goindwal Sahib, District Tarn Taran Punjab along with all the consequential proceedings, arising therefrom, are ordered to be quashed qua the petitioners.

(ARVIND SINGH SANGWAN)
JUDGE

October 31, 2017
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No