

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

**CRM-M-8693 of 2016**

**Date of Decision: July 11,2017**

Davinder Lakhanpal and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

**Present:** Ms.Anita Sharma, Advocate  
for the petitioners.

Mr.Randeep Singh Khaira, Assistant Advocate  
General, Punjab.

Mr.Vishal Sharma, Advocate  
for respondent No.2.

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**ARVIND SINGH SANGWAN, J.**

Petitioners-Davinder Lakhanpal and Keshav Lakhanpal have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.224 dated 24.09.2010, under Sections 323, 324, 451, 148, 149 and 506 of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Basti Jodhewal, District Ludhiana and all consequential proceedings arising therefrom, on the basis of compromise (Annexure P2) executed between the petitioners and respondent No.2-complainant – Gaurav Sharma.

As per the averments made in the FIR (Annexure P1), the case was registered against the petitioners on account of minor dispute regarding the construction of a sewerage hole. It is alleged that the petitioners abused the complainant and his uncle and caused simple injuries and, therefore, the FIR under Sections 323, 324, 451, 148, 149 and 506 IPC was registered.

Notice of motion was issued and the report of the trial Court to ascertain the authenticity of the compromise was sought vide order dated 26.7.2016.

In pursuance to the said direction issued by this Court, the trial Court, after recording the statements of the parties, has submitted a report dated 03.08.2016 that as per the statement of the complainant, he has compromised the matter with the petitioners-accused and the compromise (Ex.PA) was placed on record before the trial Court. The complainant stated that he does not want to pursue the FIR against the accused persons and has no objection if the proceedings of the present case are quashed. The complainant has further stated that he has entered into compromise with his own free will and without pressure, coercion and inducement and both the complainant and accused persons have also placed their identity proofs on record of the trial Court. The trial Court has further reported that none of the petitioners is declared as proclaimed

offender.

A perusal of the compromise deed (Annexure P2) would make it evident that respondent No.2 – complainant has entered into a compromise with four persons i.e. petitioners – Davinder Lakhanpal, Keshav Lakhanpal, Suresh Lakhanpal and Ashwani Lakhanpal. The present petition has been filed by the petitioners-Davinder Lakhanpal, Keshav Lakhanpal, whereas, two other persons have not filed any petition. The compromise deed is also supported by an affidavit of complainant-Gaurav Sharma dated 26.02.2016 (Annexure P3), who has also made a statement before the trial Court.

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, this petition is allowed. FIR No.224 dated 24.09.2010, under Sections 323, 324, 451, 148, 149 and 506 IPC, registered at Police Station Jodhewal, District Ludhiana and all the consequential proceedings, arising therefrom, are ordered to be quashed qua the petitioners—Davinder Lakhanpal and Keshav Lakhanpal.

**(ARVIND SINGH SANGWAN)**  
**JUDGE**

**July 11, 2017**  
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Whether speaking/reasoned: Yes/No

Whether Reportable:Yes/No