

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5050 of 2017

Date of Decision: August 29, 2017

Sukhwinder Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Bhupinder Singh Sudan Advocate
for the petitioners.
Mr. Randeep Singh Khaira, Assistant Advocate
General, Punjab

ARVIND SINGH SANGWAN, J.

Petitioners have filed this petition under Section 482 of the Code of Criminal Procedure for quashing FIR No. 305 dated 5.9.2011 (Annexure P-1), under Sections 427, 323, 341, 506 read with Section 34 of the Indian Penal Code ('IPC' for short), registered at Police Station Tripri Town, Patiala and all subsequent proceedings arising therefrom in view of the compromise dated 18.4.2016 (Annexure P-2) arrived at between the parties.

Vide order dated 17.2.2017, this Court has directed the trial Court to record the statements of the parties and submit a report regarding the genuineness of the compromise and whether there is any other person involved in the occurrence, who is not a party to the present petition.

In pursuance thereof, the trial Court has submitted a report dated 27.2.2017(forwarded by the District and Sessions Judge, Patiala on 28.2.2017), after recording the statements of the parties, that the complainant and accused 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. Trial Court has further reported that there are only three accused and none of them is declared as proclaimed offenders. This fact is not disputed by learned State Counsel,who has submitted, on instructions from Assistant Head Constable- Subha Singh that the petitioners are not the proclaimed offenders.

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. 305 dated 5.9.2011, under Sections 427, 323, 341, 506 read with Section 34 IPC, registered at Police Station Tripri Town, Patiala (Annexure P1) and all the consequential proceedings, arising therefrom, are ordered to be quashed.

(ARVIND SINGH SANGWAN)
JUDGE

August 29, 2017
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Whether speaking/reasoned: Yes

Whether Reportable: Yes