

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

CRM-M-5600 of 2017

Date of Decision: August 23, 2017

Lovedeep Singh @ Love and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM:HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vipin Mahajan, Advocate
for the petitioners.
Mr. Randeep Singh Khaira, Assistant Advocate
General, Punjab.

ARVIND SINGH SANGWAN, J.

Petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No. 245 dated 8.10.2016, under Sections 295-A, 296 323, 427,148,149 of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Chherretta, District Amritsar City (Annexure P1) and all consequential proceedings arising therefrom, on the basis of compromise (Annexure P2) .

Vide order dated 20.2.2017, a direction was given to the trial Court/Illaq Magistrate 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 27.3.2017, forwarded by District and Sessions Judge, Amritsar on 30.3.2017, after recording the statements of the parties, that the complainant-Satish Kumar, Deepak Kumar @ Deepak, Mukhwinder Singh @ Sukhwinder Singh and accused- Lovdeep Singh @ Love, Damandeep Singh @ Daisy, Gursewak Singh, Manmeet Singh, Kiranpal Singh and Gurbinder Singh have appeared on 2.3.2017 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. Respondent No.5-Bikramjit Singh did not get his statement recorded on 2.3.2017. The trial Court, in pursuance to the direction of this Court dated 30.3.2017, has further submitted a report dated 15.5.2017 stating that the statement of Bikramjit Singh-complainant-respondent No.5 has been recorded on 26.4.2017 and verified the factum of compromise while acknowledging his statement dated 2.3.2017. This fact is not disputed by learned State Counsel, who has submitted, on instructions from Head Constable-Tarsem 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.245 dated 8.10..2016, under Sections 295-A, 296 323, 427,148,149 of the 'IPC', registered at Police Station Chherretta, District Amritsar City (Annexure P1) and all the consequential proceedings, arising therefrom, are ordered to be quashed qua the petitioner.

(ARVIND SINGH SANGWAN)
JUDGE

August 23, 2017
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Whether speaking/reasoned: Yes

Whether Reportable: Yes