

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Date of Decision: 08.08.2017

CRM-M -6359-2017

Harpreet Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CRM-M -15326-2017

Hardeep Kumar @ Deepu and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr. Justice Arvind Singh Sangwan

Present: Mr.V.P.Singh,Advocate for the petitioners
(in CRM-M-6359-2017) and
for respondent No. 3 in CRM-M -15326-2017

Mr.R.P.Khaira, Assistant Advocate General,
Punjab.

Mr.A.S.Singh,Advocate
in CRM-M -15326-2017 for the petitioners
and for respondent No. 3 in CRM-M-6359-2017

Arvind Singh Sangwan, J.

This order will dispose of above mentioned two petitions i.e. *CRM-M-6359-2017* and *CRM-M-15326-2017*. In the petition (*CRM-M-6359-2017*), petitioners are seeking quashing of FIR No.2 dated 4.1.2017 under Sections 452, 326B,148,149 of the Indian Penal Code, 1860 (IPC for short) registered at Police Station Rajpura City, District Patiala (Annexure P6) on the basis of compromise dated 30.1.2017 (Annexure P7) and in petition (*CRM-M-15326-2017*) petitioners are seeking quashing of cross case registered vide DDR No. 34 dated 4.1.2017 under Sections 452/326-B/148/149 IPC registered at Police Station Rajpura City, District Patiala (Annexure P8) on the basis of compromise dated 30.3.2017 (Annexure P9) along with all consequential proceedings.

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

Vide order dated 27.2.2017, trial Court/Illaq Magistrate was directed to record the statements of the parties and send its report with regard to genuineness of the compromise effected between the parties viz-a-viz number of accused persons involved in the case and whether any of the accused has been declared as proclaimed offender.

In pursuance to the said order, the trial Court, after recording the statements of the parties, has reported on 14.3..2017 that there are five accused in the present FIR,namely, Harpreet Singh, Gurwinder Singh, Harvinder Singh, Navjot Singh and Harcharan Singh and some 10/15 unknown person and none of them is declared as proclaimed offender. Trial Court has further reported that the complainant-Hardeep Kumar, injured

Madhav, Sagar Kumar as well as accused-Harpreet Singh, Gurwinder Singh, Harvinder Singh and Navjot Singh have appeared and identified by their respective counsel representing them in the trial Court and that the compromise effected between the parties was voluntarily and without any coercion, pressure .

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.2 dated 4.1.2017 under Sections 452,326-B,148,149 IPC and cross case registered vide DDR No. 34 dated 4.1.2017 registered at Police Station Rajpura City, District Patiala along with all the consequential proceedings, arising therefrom, are ordered to be quashed qua the petitioners.

(ARVIND SINGH SANGWAN)
JUDGE

August 08, 2017

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Whether speaking/reasoned: Yes

Whether Reportable: Yes