

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

CRM-M-6531 of 2017

Date of Decision: September 11, 2017

Harbans Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM:HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Achin Gupta, 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. 21 dated 14.3.2013, under Sections 324, 323 (Later on added Sections 325 and 326) read with Section 34 of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Sadiq, District Faridkot (Annexure P1) and all consequential proceedings arising therefrom, on the basis of compromise dated 11.2.2017 (Annexure P2) .

Vide order dated 28.2.2017, a direction was given to the trial Court 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 there is any other person involved in the occurrence who is not a party to the present petition and whose consent for

the compromise would be required.

In pursuance thereof, the trial Court has submitted a report dated 6.3.2017 (forwarded by the District and Sessions Judge, Faridkot on 7.3.2017), after recording the statements of the parties, that the complainant-Charanjit Singh and accused- Harbans Singh, Tarsem Singh @ Simarjit Singh, Beant Singh and Bhinder 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. This fact is not disputed by learned State Counsel, who has submitted, on instructions from Head Constable-Gurmeet 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. However, since the prosecution witnesses have already been examined and the FIR pertains to the year 2013, petitioners are liable to deposit the costs of proceedings in the sum of ₹15000/-.

Accordingly, this petition is allowed. FIR No. 21 dated 14.3.2013, under Sections 324, 323 (Later on added Sections 325 and 326) read with Section 34 IPC, registered at Police Station Sadiq, District Faridkot (Annexure P1) and all the consequential proceedings, arising therefrom, are ordered to be quashed qua the petitioners, subject to their depositing of costs in the sum of ₹ 15000/- with the District Legal Services Authority, Faridkot within eight weeks from today, failing which this order shall stand recalled automatically without reference to the Court.

(ARVIND SINGH SANGWAN)
JUDGE

September 11, 2017
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Whether speaking/reasoned: Yes
Whether Reportable: Yes