

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Date of Decision: 30.08.2017

CRM-M -6563-2017

Roop Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CRM-M -6700-2017

Balwinder Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr. Justice Arvind Singh Sangwan

Present: Mr.Gurpal Singh Sandhu,Advocate
(in CRM-M -6563-2017) and
Mrs.Rajwinder Kaur Sandhu,Advocate
(in CRM-M -6700-2017) for the petitioners

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

Mrs.Rajwinder Kaur Sandhu,Advocate
(in CRM-M -6563-2017)
Mr.Gurpal Singh Sandhu,Advocate
(in CRM-M -6700-2017)
for respondents No.2 to 4

Arvind Singh Sangwan, J.

This order will dispose of above mentioned two petitions i.e. *CRM-M -6563-2017* and *CRM-M -6700-2017*. In both these petitions, petitioners are seeking quashing of FIR No. 47 dated 29.4.2009 under Sections 452, 324, 323 read with Section 34 of the Indian Penal Code, 1860 (' IPC ' for short) registered at Police Station Sadar Malout, District Sri Muktsar Sahib (Annexure P1) and cross-version registered vide DDR No.21 dated 29.4.2009 under Sections 324, 323 read with Section 34 IPC (Annexure P2) along with all consequential proceedings arising therefrom on the basis of compromise/affidavit dated 18.2.2017.

Vide order dated 1.3.2017 (in the aforesaid both the cases), trial Court was directed to record the statements of the parties and send its report with regard to genuineness of the compromise effected between the parties and whether any other proceedings is pending against the accused-petitioners.

In pursuance to the said order, the trial Court on 3.4.2017 (forwarded by the District and Sessions Judge, Sri Muktsar Sahib on 7.4.2017 in both the cases), has reported that none of the accused has been declared as proclaimed offenders and the trial Court, after recording the statements of the parties, has reported that the complainants- Balwinder Singh, Bhupinder Singh, Jasinder in *CRM-M -6563-2017* (*accused* in *CRM-M -6700-2017*) and accused- Roop Singh, Sukhdev Singh and Jagdev Singh in *CRM-M -6563-2017* (*complainant* in *CRM-M -6700-2017*) 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. 47 dated 29.4.2009 under Sections 452, 324, 323 read with Section 34 IPC registered at Police Station Sadar Malout, District Sri Muktsar Sahib and

cross-version registered vide DDR No.21 dated 29.4.2009 under Sections 324, 323 read with Section 34 IPC along with all the consequential proceedings, arising therefrom, are ordered to be quashed.

**(ARVIND SINGH SANGWAN)
JUDGE**

August 30, 2017
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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No