IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-13093-2018
Date of Decision:May 08, 2018

Avtar Singh and Others.....Petitioners

Versus

State of Punjab and another.....Respondents

CORAM:HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr.Rohit Samhotra,Advocate for the petitioners.
Mr.Abheypal Singh Gill,Assistant Advocate General, Punjab
Mr.Sunny Mangli, Advocate for
Mr.Abhishek Sharma, Advocate for respondents No.1 and 2

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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. 02 dated 17.2.2018 under Section 406 of the Indian Penal Code, 1860 (`IPC' for short) registered at Police Station NRI Wing, District Sangrur (Annexure P1) alongwith all consequential proceedings arising therefrom, on the basis of compromise dated 27.2.2018 (Annexure P2) .

Vide order dated 2.4.2018, 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 any accused is declared as proclaimed offender.

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In pursuance thereof, the trial Court has submitted a report on 27.4.2018 (forwarded by the District and Sessions Judge Sangrur on 30.4.2018), after recording the statements of the parties. The trial Court has submitted that the complainant-Rajbir Kaur and accused- Avtar Singh, Gurdeep Kaur and Gurtej 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 the learned State counsel, on instructions from Assistant Sub Inspector -Varinder Kumar that the petitioners-accused are not declared as proclaimed offender.

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

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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.

The Apex Court in **Central Bureau of Investigation vs. Sadhu Ram Singla and others (2017) 5 Supreme Court Cases 350** has held as under:-

> "Having carefully considered the singular facts and circumstances of the present case, and also the law relating to the continuance of criminal cases where the complainant and the accused had settled their differences and had arrived at an amicable arrangement, we see no reason to differ with the view taken in Manoj Sharma's case (supra) and several decisions of this Court delivered thereafter with respect to the doctrine of judicial restraint. In concluding hereinabove, we are not unmindful of the view recorded in the decisions cited at the Bar that depending on the attendant facts, continuance of the criminal proceedings, after a compromise has been arrived at between the complainant and the accused, would amount to abuse of process of Court and an exercise in futility since the trial would be prolonged and ultimately, it may end in a decision which may be of no consequence to any of the parties."

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. 02 dated 17.2.2018 under Section 406 IPC registered at Police Station NRI Wing,

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District Sangrur (Annexure P1) and all the consequential proceedings, arising therefrom, are ordered to be quashed subject to payment of costs in the sum of ₹ 3000/- in the Office of District Legal Services Authority, Sangrur within 8 weeks from today, failing which this order shall stand recalled automatically without reference to the Court.

(ARVIND SINGH SANGWAN)
JUDGE

May 08, 2018
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Whether speaking/reasoned: Yes/No
Whether Reportable:Yes/No

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