

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

CRM-M-12421-2017(O&M)

Date of decision: 18.01.2018

Gurumukh Singh @ Garry Sandhu

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Abhaypal Singh Gill, AAG, Punjab
for respondent No.1-State.

Mr. Rohit Kaushik, Advocate
for respondent no.2.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of FIR No.185, dated 15.09.2016, under Section 295 of IPC and Sections 3 and 4 of SC/ST Act 1989 registered at Police Station Sector Tanda, District Hoshiarpur, on the basis of compromise (Annexure P-2).

The allegation in the FIR, which was got registered by respondent No.2, the petitioner has uploaded a video on the social networking site and the same has offended respondent No.2-complainant.

Vide order dated 25.07.2017, the parties were directed to appear before the trial Court for recording of their respective statements with regard to compromise.

The report of the trial Court dated 21.09.2017 has been received and as per this report, there is only one accused i.e. petitioner-Gurumukh Singh @ Garry and one complainant-Manohar Lal and they have

entered into a compromise. The trial Court has recorded that the compromise appears to be genuine, voluntary, without any pressure or coercion, fear or threat and is with the free will of the parties. The trial Court has also recorded the statement of Investigating officer who has stated that petitioner is not a proclaimed offender and thus, the trial Court has submitted a report that there is no legal impediment in quashing of the FIR on the basis of compromise.

Learned counsel for the petitioner has submitted that on similar allegations, two other FIRs were registered at different police station in District Jalandhar and Kapurthala and on the basis of compromise, the same have been quashed, vide order dated 28.08.2017, passed in CRM-M-26518 of 2017 and order dated 19.07.2017 passed in CRM-M-12769 of 2017.

Learned State counsel, on instructions from ASI Ajit Singh as well as learned counsel appearing for the complainant, have not disputed that the parties have entered into a compromise and have no objection, in case, the same is quashed.

As per the Full Bench judgment of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, wherein it is held that 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 deem it appropriate that the same was required to prevent the abuse of the process of Court or to otherwise secure the ends of justice and this power of quashing is not confined to matrimonial disputes alone.

Perusal of the 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 judgment passed by Hon'ble the Supreme Court of India in "*Gian Singh vs State of Punjab and another*", 2012(4) *R.C.R. (Criminal)* 543, 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 the parties have arrived at a compromise and have decided to live in peace.

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, the present petition is allowed. FIR No.185, dated 15.09.2016, under Section 295 of IPC and Sections 3 and 4 of SC/ST Act 1989 registered at Police Station Sector Tanda, District Hoshiarpur, along with all the consequential proceedings, arising therefrom, are ordered to be quashed qua the petitioner on payment of costs of Rs.5,000/- to be deposited in District Legal Services Authority at Hoshiarpur.

(ARVIND SINGH SANGWAN)
JUDGE

18.01.2018

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No