

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Date of Decision: 12.2.2018

CRM-M -13567-2016

Balbir Singh and others..... Petitioners

Versus

State of Punjab and another.....Respondents

CRM-M-13748-2016

Salinder Kumar @ Sulinder Singh @ SalinderSingh.....Petitioners

Versus

State of Punjab and Others.....Respondents

Coram: Hon'ble Mr. Justice Arvind Singh Sangwan

Present: Mr.S.K.Choudhary,Advocate for the petitioners
(in CRM-M-13567-2016)
and for respondents No. 2 to 5
(in CRM-M-13748-2016)

Mr.M.S.Nagra, Assistant Advocate General, Punjab

Mr.Sandeep Katoch,Advocate
for the petitioners (in CRM-M -13748-2016)
and for respondents No. 2
(in CRM-M-13567-2016)

ARVIND SINGH SANGWAN, J.

This order will dispose of above mentioned two petitions

i.e. CRM-M-13567-2016 and CRM-M-13748-2016. In both the

petitions filed under Section 482 of the Code of Criminal Procedure, 1973, petitioners are seeking quashing of FIR No. 23 dated 18.6.2015 under Sections 452,325 read with Section 34 of the Indian Penal Code, 1860 ('IPC' for short), and Calender (Report No. 8 dated 8.7.2015) under Section 182 IPC, arising out of the same FIR, registered at Police Station Narot Jaimal Singh, District Pathankot (Annexure P1) and all consequential proceedings arising therefrom, on the basis of compromise dated 25.3.2016 (Annexure P1).

In both the petitions, vide order dated 25.4.2016, 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 .

In pursuance thereof, the trial Court has submitted a report dated 19.5.2016 (forwarded by District and Sessions Judge, Pathankot on 20.5.2016), after recording the statements of the parties, that the complainant-Salinder Kumar @ Sulinder Singh and accused-Tarsem Chand, Kishan Chand, Balbir Singh and Kuldip Raj have appeared along with their respective counsel, who had identified them and got their statement recorded acknowledging that the compromise had been effected voluntarily, without any coercion or any undue influence and none of the accused was declared as proclaimed offender.

Learned counsel for the petitioners has submitted that, while submitting cancellation report of the aforementioned FIR, a Calender under Section 182 IPC arising out of the same FIR was recorded by the Police.

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.

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 and the Calender, under Section 182 IPC, which arises out of the same FIR, is also liable to be quashed.

Accordingly, both these petitions are allowed. FIR No. 23 dated 18.6.2015 under Sections 452, 325 read with Section 34 IPC and Calender (Report No. 8 dated 8.7.2015) under Section 182 IPC, arising out of the same FIR, registered at Police Station Narot Jaimal Singh, District Pathankot and all the consequential proceedings, arising therefrom, are ordered to be quashed by way of compromise subject to the petitioners' paying costs in the sum of ₹ 5,000/- in the Office of District Legal Services Authority, Pathankot within 8 weeks from today, failing which this order shall stand recalled automatically without reference to the Court.

(ARVIND SINGH SANGWAN)
JUDGE

February 12, 2018
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No