

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

Decided on: 21.09.2018

1. CRM-M No.14626 of 2017

Balraj Singh @ Ballu and another

....Petitioners

Versus

State of Punjab and others

....Respondents

2. CRM-M No.14392 of 2017

Bhupinder Singh and others

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Ritesh Pandey, Advocate
for the petitioners (in CRM-M-14626-2017)
and for respondents No.2 and 3 (in CRM-M-14392-2017)

Mr. M.S. Nagra, AAG, Punjab (in both the petitions)

Mr. Manjinder Singh, Advocate
for respondents No.2 and 3 (in CRM-M-14626-2017)
and for the petitioners (in CRM-M-14392-2017)

ARVIND SINGH SANGWAN, J. (Oral)

By way of this common order, I shall dispose of aforesaid petitions as they emerged from FIR No.71 dated 05.10.2016, registered under Sections 326, 323, 324, 148 and 149 of the Indian Penal Code, 1860 (in short 'IPC') and DDR No.19 dated 08.10.2016 under Sections 323, 324, 326, 148 and 149 IPC registered in FIR No.71 dated 05.10.2016 at Police Station Sekhwan, Tehsil Batala Police District

Batala, District Gurdaspur, being version and cross-version.

In both the cases, vide order dated 05.05.2017, the trial Court/Illaqa Magistrate was directed to record the statements of the parties and send its report with regard to genuineness of the compromise effected between the parties.

In pursuance to the said order, the trial Court after recording the statements of the parties, has reported on 19.07.2017 that the parties have appeared through their respective counsels representing them in the trial Court and that the compromise effected between the parties was voluntarily and without any coercion, pressure.

Counsel for the petitioners submits that no other criminal case is pending between the parties and none of the petitioner has been declared as proclaimed offender.

This fact is not disputed by counsel for the State, on instructions from HC Partap Singh and counsel for the respondents.

I have heard counsel for the parties, perused the paperbook and the report submitted by the trial Court.

As per the Full Bench judgment of this Court in ***“Kulwinder Singh and others vs. State of Punjab”***, 2007 (3) RCR (Criminal) 1052, 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 feel that the same was required to prevent the abuse of the process of law or otherwise to secure the ends of justice. 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 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 if the 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.

In view of the above, the petitions are allowed. FIR No.71 dated 05.10.2016, registered under Sections 326, 323, 324, 148 and 149 IPC and DDR No.19 dated 08.10.2016 under Sections 323, 324, 326, 148 and 149 IPC registered in FIR No.71 dated 05.10.2016 at Police Station Sekhwan, Tehsil Batala Police District Batala, District Gurdaspur along with all the consequential proceedings, arising therefrom, are ordered to be quashed subject to payment of costs of Rs.3,000/- each (in both the petitions) to be deposited with the District Legal Services Authority Gurdaspur.

(ARVIND SINGH SANGWAN)
JUDGE

21.09.2018
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No