

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

**CRM-M-16861-2017
Date of Decision: May 09, 2018**

Iqbal Singh and Others.....Petitioner

Versus

Sukhjinder Kaur.....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Amit Dhawan, Advocate for the petitioners.

Mr. Kanishkveer Singh Parmar, Advocate for the respondent

ARVIND SINGH SANGWAN, J.

Petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of the complaint case, titled as “ *Sukhjinder Kaur vs. Iqbal Singh and Others*”, bearing No. 29/3/14 dated 12.9.2014 under Sections 406, 498-A read with Section 34 of the Indian Penal Code, 1860 (for short 'IPC') (Annexure P8) as well as summoning order dated 15.1.2015 passed by the Judicial Magistrate First Class Phillaur (Annexure P9) and order dated 11.12.2015 (Annexure P11) passed by the Additional Sessions Judge, Jalandhar along with all consequential proceedings arising therefrom, on the basis of compromise .

Vide order dated 26.3.2018, a direction was given to the Illaqa Magistrate/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.

In pursuance thereof, the trial Court has submitted a report on 18.4.2018 (forwarded by the District and Sessions Judge Jalandhar on 19.4.2018), after recording the statements of the parties. The trial Court has submitted that the complainant-Sukhjinder Kaur and accused- Iqbal Singh, Prabhjeet Singh and Gurdeep Kaur 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. The trial Court has further submitted that there are three accused and none of them is 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 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. Consequently, complaint

titled as “ *Sukhjinder Kaur vs. Iqbal Singh and Others*” bearing No. 29/3/14 dated 12.9.2014 under Sections 406, 498-A read with Section 34 IPC (Annexure P8) and summoning dated 15.1.2015 (Annexure P9) as well as order dated 11.12.2015 (Annexure P11) passed by the lower revisional Courts along with all consequential proceedings, arising therefrom, are ordered to be quashed.

(ARVIND SINGH SANGWAN)
JUDGE

May 09, 2018
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No