

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24632-2018

Date of decision: 03.12.2018

Gurbir Singh and others

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Vipin Mahajan, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Ajay Pal Singh Rehan, Advocate
for respondents No.2 and 3.

RAJ SHEKHAR ATTRI, J.(Oral)

This petition filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.81 dated 30.07.2010, under Sections 326, 324, 323, 427, 148, 149 of the Indian Penal Code (for short 'IPC') registered at Police Station Shri Hargobindpur, Police District Batala, District Gurdaspur, Punjab along with consequential proceedings arising therefrom including the judgment of conviction dated 25.11.2016 passed by learned Judicial Magistrate Ist Class, Batala on the basis of compromise (Annexure P-3).

Short reply by way of short affidavit of Varinderpreet Singh, PPS, Deputy Superintendent of Police, Sub Division Sri Hargobindpur, Police District Batala filed by learned State counsel is taken on record. It transpires that Ranjodh Singh has died his natural death.

Vide order dated 01.06.2018, the parties were directed to appear before the learned Appellate Court/Duty Magistrate to get their statement recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the learned Additional District and Sessions Judge, Gurdaspur wherein it has been reported that statement of the parties have been recorded and compromise entered between the parties is voluntarily and genuine.

Learned counsel for the State as well as learned counsel for respondent No.2 have not disputed that the parties i.e. petitioners, respondent No.2 (complainant) and respondent No.3, have arrived at a settlement with an intent to give burial to their differences.

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 Cr.P.C. Keeping in view authoritative enunciation of law laid down by Hon'ble the Supreme Court in **'Gian Singh v. State of Punjab and another', 2012 (4) R.C.R. (Criminal) 543** and in the light of facts and circumstances discussed hereinbefore, 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 the same are put to an end.

In *Sube Singh versus State of Haryana*, 2013(4) RCR (Criminal) 102, a Division Bench of this court has already discussed the matter where parties arrived at a compromise at appellate stage. In that case, appeal against conviction was pending before the Sessions Court and compromise was effected between the parties. The matter was quashed by High Court by following the ratio decidendi laid down above referred dicto.

This Court is of the opinion that the parties are allowed to compound the offence. Consequently, the petition is allowed and FIR No.81 dated 30.07.2010, under Sections 326, 324, 323, 427, 148, 149 IPC registered at Police Station Shri Hargobindpur, Police District Batala, District Gurdaspur, Punjab and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua the petitioners and the judgment of

conviction dated 25.11.2016, passed by the by the Judicial Magistrate Ist
Class, Batala stands *set aside*.

December 03, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no