

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

Decided on: 22.05.2018

1. CRM-M No.27355 of 2017

Vikas Garg and others

....Petitioners

Versus

State of Punjab and another

....Respondents

2. CRM-M No.9084 of 2017

Hemraj Garg and others

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Gursimranjit Singh, Advocate
for Mr. Navdeep Singh Bhullar, Advocate
for the petitioners (in CRM-M No.27355 of 2017)
and for the respondents (in CRM-M No.9084 of 2017)

Mr. Abhay Pal Singh Gill, AAG, Punjab.

Mr. G.S. Toor, Advocate
for the petitioners (in CRM-M No.9084 of 2017)
and for respondent No.2 (in CRM-M No.27355 of 2017)

ARVIND SINGH SANGWAN, J. (Oral)

By way of this order, I shall dispose of aforesaid petitions
as they emerged from FIR No.260 dated 21.09.2014, registered under
Sections 325, 323, 341, 506, 148, 149, 120-B of the Indian Penal Code,
1860 (in short 'IPC') and 25 and 27 of the Arms Act and FIR No.283
dated 15.10.2014 registered under Sections 326, 427, 506, 120-B read

with Section 34 IPC at Police Station City Barnala, District Barnala being version and cross-version.

In CRM-M No.27355 of 2017, vide order dated 28.07.2017 and in CRM-M No.9084 of 2017, vide order dated 10.10.2017, the trial Court/Illaq 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 orders, the trial Court after recording the statements of the parties, has reported 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. The trial Court has further reported that the statement of the Investigating Officer namely ASI Ajaib Singh has been recorded who stated that in FIR No.260, 07 persons were arrayed as accused. The accused – Satwant Singh has passed away, accused – Tarsem Lal Jindal and Satish Kumar were found innocent and, thus, the challan against 04 accused persons namely Vikas Garg, Satwant Singh, Harjinder Singh and Lakhvir Singh was presented before the trial Court. It is further stated that Gurwinder Singh was never arrested in this case and no accused person has been declared as proclaimed offender.

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

This fact is not disputed by counsel for the State, on instructions from ASI Satwinder Singh.

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.260 dated 21.09.2014, registered under Sections 325, 323, 341, 506,

148, 149, 120-B IPC and 25 and 27 of the Arms Act and FIR No.283 dated 15.10.2014 registered under Sections 326, 427, 506, 120-B read with Section 34 IPC at Police Station City Barnala, District Barnala along with all the consequential proceedings, arising therefrom, are ordered to be quashed subject to payment of costs of Rs.5,000/- each (in both the petitions) to be deposited with the District Legal Services Authority, Barnala.

(ARVIND SINGH SANGWAN)
JUDGE

22.05.2018
yakub

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