

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: 03.07.2018
CRM-M-27415-2017 (O&M)

Harjinder Singh and Ors

.. Petitioners

Vs.

State of Punjab & Anr.

.. Respondents

CRM-M-37327-2017 (O&M)

Harjinder Singh and Anr

.. Petitioners

Vs.

State of Punjab & Anr

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. S.S.Rana, Advocate
for the petitioners.

Ms. Simran Gerewal Randhawa, AAG, Punjab.

Mr. Prabhjot Singh, Advocate for
Mr. Jatinder Pal Singh, Advocate
for respondent No.2.

ARVIND SINGH SANGWAN, J. (ORAL)

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The petitioners have prayed for quashing of criminal complaint No.131 dated 19.07.2007, for offences punishable under Sections 307,452,458,382,506 and 34 of the Indian Penal Code (in short 'IPC') registered at Police Station Sarabha Nagar, on the basis of the compromise effected between the parties as well as summoning order dated 16.04.2013 (Annexure P2).

In pursuance to the order dated 13.09.2017, the trial Court has submitted a report dated 27.09.2017 to the effect that complainant Zora Singh/respondent No.2 as well as the petitioners have appeared in the Court and have made statements that a compromise has been effected between the parties. The trial Court has further

recorded a finding that the compromise is effected between the parties in a legal and valid manner as the parties have voluntarily made statements that they have compromised the matter.

The trial Court, in its report, has further recorded that accused Harjinder Singh@ Jind (petitioner No.1) and Jagtar Singh @ Nikka (petitioner No.3) were declared proclaimed offenders in the case.

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Prayer in this petition is for quashing of order dated 12.07.2017 vide which both the petitioners, namely, Harjinder Singh @ Jind and Jagtar Singh @ Nikka, were declared proclaimed offenders.

Both the petitioners, in pursuance to the order dated 18.01.2018, have appeared before the trial Court and they were released on bail on payment of costs of Rs.5,000/-.

The trial Court has again submitted a report dated 06.02.2018 that both the petitioners have already appeared before the trial Court and have entered into a valid and legal compromise.

Learned State counsel, on instructions from H.C. Madan Pal, and assisted by learned counsel for the complainant, has submitted that the parties have compromised the matter.

I have heard counsel for the parties and perused the case file.

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.

In view of the above, both the petitions are allowed. Criminal complaint No.131 dated 19.07.2007, summoning order dated 16.04.2013 (Annexure P2) and order dated 12.07.2017 (Annexure P6), declaring both the petitioners, namely, Harjinder Singh @ Jind and Jagtar Singh @ Nikka, proclaimed offenders, are set aside, however, this will be subject to payment of costs of Rs.20,000/- to be deposited with the District Legal Services Authority, Ludhiana.

[ARVIND SINGH SANGWAN]
JUDGE

03.07.2018.
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No