

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Date of Decision: 12.7.2018

CRM-M-3280-2018

Hari Singh and Others.....Petitioners

Versus

State of Punjab and another.....Respondents

CRM-M -3310-2018

Mohan Singh and Others.....Petitioners

Versus

State of Punjab and another.....Respondents

Coram: Hon'ble Mr. Justice Arvind Singh Sangwan

Present: Mr.Gaurav Kalsi,Advocate for the petitioners
and for respondent No. 2 (in CRM-M-3310-2018)
Ms.Simranjit Kaur, Assistant Advocate General, Punjab
Mr.H.S.Bath, Advocate for respondent No. 2
(in CRM-M-3280-2018) and for the petitioners (in CRM-M-
3310-2018)

ARVIND SINGH SANGWAN, J.

This order will dispose of above mentioned two petitions i.e. CRM-M-3280-2018 and CRM-M-3310-2018.

In both the petitions filed under Section 482 of the Code of Criminal Procedure, 1973, petitioners are seeking quashing of FIR No.

0239 dated 17.10.2017 under Sections 326, 323, 148, 149, 295, 336, 452 of the Indian Penal Code, 1860 ('IPC' for short) and a cross version case bearing DDR No. 21 dated 18.10.2017 under Sections 326, 323, 324, 148, 149 IPC registered at Police Station Bikhiwind, District Tarn Taran, and all consequential proceedings arising therefrom, on the basis of compromise.

Vide order dated 25.1.2018, a direction was given to the trial Court to record the statements of the parties and submit a report regarding the genuineness of the compromise effected between the parties .

In pursuance thereof, the trial Court has submitted reports in both the cases, (forwarded by the District and Sessions Judge, Tarn Taran) after recording the statements of the parties. The trial Court has submitted that the complainants, witness and accused in respective cases 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. This fact is not disputed by the learned State Counsel, on instructions from Assistant Sub Inspector-Bhagwant Singh, that none of the petitioners is declared as proclaimed offender.

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.

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.

Accordingly, both these petitions are allowed. FIR No. 0239 dated 17.10.2017 under Sections 326, 323, 148, 149, 295, 336 and 452 of IPC and a cross version case bearing DDR No. 21 dated 18.10.2017 under Sections 326, 323, 324, 148, 149 IPC registered at Police Station Bikhiwind, District Tarn Taran and all consequential proceedings arising therefrom, are ordered to be quashed by way of compromise subject to payment of costs of ₹ 3,000/- each in the Office of District Legal Services Authority, Tarn Taran within 8 weeks from today, failing which this order shall stand recalled automatically without reference to the Court.

(ARVIND SINGH SANGWAN)
JUDGE

July 12, 2018
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No