

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Date of Decision: 27.2.2018

CRM-M -36815-2017

Jora Singh and Others..... Petitioners

Versus

State of Punjab and Others.....Respondents

CRM-M-47612-2017

Surinder Singh and another.....Petitioners

Versus

State of Punjab and Others.....Respondents

Coram: Hon'ble Mr. Justice Arvind Singh Sangwan

Present: Mr.Brijeswar Singh Bhalla,Advocate for the petitioners
(in CRM-M-36815-2017) and for respondents No. 2 and 3
(in CRM-M-47612-2017)
Mr. Abheypal Singh Gill, Assistant Advocate General,Punjab
Ms.Manmohan Kaur, Advocate for respondents No. 2 and 3 (in
CRM-M-36815-2017) and for the petitioners (in CRM-M-
47612-2017)

ARVIND SINGH SANGWAN, J.

This order will dispose of above mentioned two petitions
i.e. CRM-M-36815-2017 and CRM-M-47612-2017. In both the
petitions filed under Section 482 of the Code of Criminal Procedure, 1973,
petitioners are seeking quashing of FIR No.53 dated 11.5.2016 under

Sections 323,324,325,148,149 and 506 of the Indian Penal Code, 1860 ('IPC' for short), and cross-version DDR No. 27 dated 11.5.2016 under Sections 323, 382, 148, 149 and 120-B IPC registered at Police Station Kot Isah Khan, District Moga (Annexure P1) and all consequential proceedings arising therefrom, on the basis of compromise dated 23.7.2016 (Annexure P3).

Vide order dated 12.12..2017 and 15.12.2017, respectively, 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 .

In pursuance thereof, the trial Court has submitted reports in both the cases dated 20.2.2018 (forwarded by District and Sessions Judge, Moga on 21.2.2018), after recording the statements of the parties, that the complainant-Surinder Singh and Raj Singh (accused-petitioners in CRM-M-47612-2017) and accused- Jora Singh, Binder Singh @ Jaswinder, Gurmej Singh, Harjinder Singh, Ajaib Singh, Gurtej Singh, Baltej Singh, Gurjinder Kaur and Gurpreet Singh(accused in CRM-M-36815-2017 and out of them, Jora Singh and Pritam Singh are complainants in CRM-M-47612-2017) have appeared along with their respective counsel, who had identified them and got their statement recorded acknowledging that the compromise had been effected voluntarily, without any coercion or any undue influence.

Learned counsel for the petitioners has submitted that it is a case of version and cross-version and no other case is pending against them.

Learned counsel, on instructions from Head Constable Surjeet Singh, has

submitted 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.

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, both these petitions are allowed. FIR No.53 dated 11.5.2016 under Sections 323, 324, 325, 148, 149 and 506 IPC and cross-case DDR No. 27 dated 11.5.2016 under Sections 323, 382, 148, 149 and 120-B IPC registered at Police Station Kot Isah Khan, District Moga (Annexure P1) and all consequential proceedings arising therefrom, are ordered to be quashed by way of compromise subject to payment of costs of ₹ 5,000/- each in the Office of District Legal Services Authority, Moga within 8 weeks from today, failing which this order shall stand recalled automatically without reference to the Court.

(ARVIND SINGH SANGWAN)
JUDGE

February 27, 2018
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No