

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No. 42790 of 2017

Decided on: 12.01.2018

Manmohan Singh & ors.

....Petitioners

Versus

State of Punjab & anr.

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. K.S. Chahal, Advocate,
for the petitioners.

Mr. Rahul Rathore, AAG, Punjab.

Mr. G.S. Brar, Advocate,
for respondent No.2.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in the present petition under Section 482 of the Code of Criminal Procedure, 1973, is for quashing of FIR No.90 dated 28.09.2017 under Sections 307, 323, 342, 506 & 34 of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Sadar Sangrur, District Sangrur and all consequential proceedings arising therefrom, on the basis of compromise (Annexure P2).

Vide order dated 13.11.2017, a direction was given to the trial Court/Illaq Magistrate to record the statements of the parties and submit a report regarding the genuineness of the compromise. In pursuance thereof, the trial Court has submitted a report dated 27.11.2017, after recording the statements of the parties, that the accused persons have entered into compromise with complainant-Maninderpal Kaur and got their statement recorded acknowledging that the compromise dated 3.10.2017 had been effected voluntarily, without any coercion or any undue influence

with the interevension of the family members. The complainant has also recorded a statement that she has compromised the matter with the accused persons and she has no objection, if the FIR is quashed.

The trial Court has also recorded the statement of Head Constable Manjit singh, Investigating Officer of the case that except the petitioners, there is no other accused person and none of the accused persons is declared as proclaimed offender.

In view of the same, the trial Court has held that the compromise has been effected between the parties upon their own sweet will, without any pressure or undue influence.

Learned counsel for the petitioners submits that in fact petitioner No.1-Manmohan Singh and complainant-respondent No.2-Maninderpal Kaur are husband and wife and they have resolved their disputes and are living together as husband and wife.

Learned State counsel, on instructions from SI Karamjit Singh, has placed on record the information given by the Medical Officer, CHS, Bhawanigarh, Sangrur, vide which it has been held that none of the injuries was declared as dangerous to life and all the injuries are sustained by the complainant are simple in nature. It is, thus, submitted that the offence under Section 307 IPC is otherwise not made out in the present case. A copy of the said information is taken on record as mark 'A'.

As per the Full Bench judgment 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.

In view of the same and considering the fact that the petitioner No.1-Manmohan Singh and complainant-Maninderpal Kaur are husband and wife and they have resolved their disputes and are living together as husband and wife, no useful purpose would be served in allowing the criminal proceedings to continue. Accordingly, this petition is allowed. FIR No.90 dated 28.09.2017 under Sections 307, 323, 342, 506 & 34 of IPC registered at Police Station Sadar Sangrur, District Sangrur, and all the consequential proceedings, arising therefrom, are ordered to be quashed qua the petitioners.

(ARVIND SINGH SANGWAN)
JUDGE

12.01.2018

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