

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

Decided on: 12.11.2018

1. CRM-M No.48092 of 2017

Ranjit Singh and others

....Petitioners

Versus

State of Punjab and another

....Respondents

2. CRM-M No.49986 of 2017

Harpreet Singh @ Sabi and others

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Harpreet S. Rakhra, Advocate
for the petitioners (in CRM-M-48092-2017)
and for respondent No.2 (in CRM-M-49986-2017)

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. Jasraj Singh, Advocate
for respondent No.2 (in CRM-M-48092-2017)
and for the petitioners (in CRM-M-49986-2017)

ARVIND SINGH SANGWAN, J. (Oral)

By way of this order, I shall dispose of aforesaid petitions as they emerged from FIR No.90 dated 13.07.2015, registered under Sections 307, 148, 149 of the Indian Penal Code, 1860 (in short 'IPC') 25/27/54/59 of the Arms Act and FIR No.70 dated 18.07.2016 registered under Sections 307, 324, 326, 201 read with Section 34 IPC at Police Station Bullowal, District Hoshiarpur, as the petitioners and

the complainant(s) are involved in both the aforesaid FIRs.

In both the cases, vide order dated 12.07.2018, the trial Court 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 order, the trial Court after recording the statements of the parties, has reported on 07.09.2018 and 13.09.2018 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.

Counsel for the petitioners (in CRM-M No.48092 of 2017) has submitted that the trial Court has recorded the statement of injured – Harpreet Singh as well as the accused persons, who have acknowledged the compromise. The trial Court has further recorded the statement of ASI Salwinder Singh, who has stated that total 07 persons were named in the FIR, however after the investigation, challan was presented only against 03 persons i.e. the petitioners and other 04 persons namely Narinder Nehru, Jaswant Singh Gandhi, Tanvir Singh and Buta Singh, were found innocent and none of the accused persons are proclaimed offender and they are not involved in any other case. It is further argued that the parties have registered the aforesaid FIRs against each other.

Counsel for the petitioners (in CRM-M No.49986 of 2017) has submitted that the trial Court has recorded the statement of injured – Sandeep Singh and eye-witness – Lakhwinder Singh as well as the

accused persons and they have stated that the matter stood compromised between them. The trial Court has further recorded the statement of SI Harjinder Singh, who has stated that the complainant was the sole victim. It is further argued that the parties have registered the aforesaid FIRs against each other.

Counsel for the State, on instructions from ASI Salinder Singh, assisted with counsel for the complainant(s) (in both the cases) has submitted that the case is at the stage of recording the statement of prosecution witnesses and some evidence has already been recorded.

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.90 dated 13.07.2015, registered under Sections 307, 148, 149 IPC 25/27/54/59 of the Arms Act and FIR No.70 dated 18.07.2016 registered under Sections 307, 324, 326, 201 read with Section 34 IPC at Police Station Bullowal, District Hoshiarpur, along with all the consequential proceedings, arising therefrom, are ordered to be quashed subject to payment of costs of Rs.10,000/- each (in both the petitions) to be deposited with the District Legal Services Authority, Hoshiarpur.

(ARVIND SINGH SANGWAN)
JUDGE

12.11.2018
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No