

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Date of Decision: 24.4.2018

CRM-M-6461-2018

Sukhjinder Singh @ Sukhwinder Singh @ Goldy and Others..Petitioners

Versus

State of Punjab and Others.....Respondents

CRM-M -7964-2018

Sandeep Kumar and another.....Petitioners

Versus

State of Punjab and Others.....Respondents

Coram: Hon'ble Mr. Justice Arvind Singh Sangwan

Present: Mr.K.S.Brar ,Advocate for the petitioners
(in CRM-M -6461-2018)
and for respondents No. 2 to 3
(in CRM-M-7964-2018)

Mr.Abheypal Singh Gill,Assistant Advocate General, Punjab

Mr. Iqbal Singh Mann,Advocate
for the petitioners (in CRM-M-7964-2018)
and Mr.Manu Loona,Advocate for respondents No. 2 &3
(in CRM-M-6461-2018)

ARVIND SINGH SANGWAN, J.

This order will dispose of above mentioned two petitions

i.e. CRM-M-6461-2018 and CRM-M-7964-2018. In both the petitions

filed under Section 482 of the Code of Criminal Procedure, 1973, petitioners are seeking quashing of FIR No. 128 dated 26.12.2017 under Sections 324, 323, 506 read with Section 34 of the Indian Penal Code, 1860 ('IPC' for short) and the cross case/DDR No.18 dated 27.12.2017 under Sections 452, 323, 506 read with Section 34 IPC, arising out of the same FIR, registered at Police Station Cantt. Bathinda, District Bathinda (Annexure P1) and all consequential proceedings arising therefrom, on the basis of compromise dated 29.12.2017 (Annexure P2).

In both the petitions, vide order dated 16/26.2.2018, 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 a report dated 16.3.2018 (forwarded by District and Sessions Judge, Bathinda on 17.3.2018), after recording the statements of the parties, that the complainants-Sandeep Kumar and Amrit Pal Singh (accused in CRM-M-7964-2018) and accused-Sukhjinder Singh @ Sukhwinder Singh @ Goldy and Manpreet Singh (complainant in CRM-M-7964-2018) 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 and none of the accused 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.

128 dated 26.12.2017 under Sections 324, 323, 506 read with Section 34 IPC and the cross case/DDR No.18 dated 27.12.2017 under Sections 452, 323, 506 read with Section 34 IPC arising out of the same FIR, registered at Police Station Cantt. Bathinda, District Bathinda (Annexure P1) and all the consequential proceedings, arising therefrom, are ordered to be quashed by way of compromise subject to the petitioners' paying costs in the sum of ₹ 3,000/- in the Office of District Legal Services Authority, Bathinda within 8 weeks from today, failing which this order shall stand recalled automatically without reference to the Court.

(ARVIND SINGH SANGWAN)
JUDGE

April 24, 2018
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No