

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

1. CRM-M-9083-2018

Angrej Singh and others

...Petitioners

Versus

State of Haryana and another

...Respondents

2. CRM-M-16298-2018

Gulab Singh and others

...Petitioner

Versus

State of Haryana and another

...Respondent

Date of decision: 12.07.2018

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sandeep Autehri Advocate for
Mr. Ravinder Malik, Advocate
for the petitioners in CRM-M-9083-2018;
for respondent No. 2 in CRM-M-16298-2018.

Mr. Saurabh Sharma, Advocate
for the petitioners in CRM-M-16298-2018;
for respondent No. 2 in CRM-M-9083-2018.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted two petitions
as they arise out of the same incident.

Prayer in CRM-M-9083-2018 is for quashing of the FIR
No. 225 dated 30.07.2012, under Sections 148, 149, 307, 426, 325, 324,

323, 452 and 120-B of the Indian Penal Code, 1860 (*for short 'IPC'*) and Section 27/54/59 of the Arms Act, registered at Police Station Pehowa, District Kurukshetra and prayer in CRM-M-16982-2018 is for quashing of complaint No. 35 of 2015, instituted on 17.02.2014 under Sections 147, 149, 307, 326, 325, 324, 323, 452 and 120-B of the IPC and Section 27/54/59 of the Arms Act as well as summoning order dated 15.02.2017, on the basis of the compromise arrived at between the parties.

Brief facts of the case are that the aforesaid FIR along with the cross version was registered against both the sets of petitioners in the present petitions. The police during investigation do not take any action on the cross version and thereafter, the complainant Angrez Singh preferred to file aforesaid complaint in which, vide order dated 15.02.2017, Gulab Singh and others were summoned and are facing trial.

Learned counsel for the petitioners, in both the cases who are respective counsel for the complainant in the other case, are *ad idem* that there is no opinion of the doctor to declare that the injury sustained by both the complainants was dangerous to life and, therefore, offence under Section 307 is not made out. It is also submitted that even the summoning order was passed under Section 326 IPC, however, since both the cases were version and cross-version and in the FIR version, the police has submitted the report of 173 Cr.P.C. under Section 307 IPC, both the cases were committed to the Court of Sessions.

Vide order dated 01.06.2018 passed in CRM-M-16298-20189, both the parties were directed to appear before the trial Court and the trial Court was directed to record the statements of the parties and submit a report regarding number of persons arrayed as accused in the FIR; whether

any accused is proclaimed offender; whether the compromise is genuine, voluntary and without any coercion or undue influence and whether any accused person is involved in any other FIR. The trial Court was also directed to record the statement of the Investigating Officer to find out the total number of victims/complainant in the FIR.

In compliance of the above said direction, Additional Sessions Judge, Kurukshetra has submitted his report dated 04.07.2018 and as per the report, all the accused persons, both in FIR case as well as in complaint case, have appeared before the trial Court and got recorded their respective statement. The trial Court has thus recorded a finding that since the parties belong to the same village and are family members, in order to bury their dispute, they have decided to live in peace and harmony. On the basis of the statements of the persons, it is also stated that the compromise is effected between the parties without any fear, coercion or pressure.

The trial Court has submitted its report that petitioner No. 3 Karnail Singh son of Afsar Singh, in complaint case, was declared a proclaimed offender pursuant to the summoning order.

A 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 that criminal proceedings are put to an

end.

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.

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.

Considering the fact that there are around 15 accused persons from both the sides, I deem it appropriate to quash the order dated 18.07.2017, declaring petitioner No. 3 Karnail Singh as a proclaimed offender, as no useful purpose will be served if the proceedings are allowed to continue against him in view of the fact that both the parties have settled their dispute amicably and have decided to live in peace and harmony.

Accordingly, these petitions are allowed. FIR No. 225 dated 30.07.2012, under Sections 148, 149, 307, 426, 325, 324, 323, 452 and 120-B of the IPC and Section 27/54/59 of the Arms Act Section, registered at Police Station Pehowa, District Kurukshetra; complaint No. 35 of 2015, instituted on 17.02.2014 under Sections 147, 149, 307, 326, 325, 324, 323, 452 and 120-B of the IPC and Section 27/54/59 of the Arms Act as well as summoning order dated 15.02.2017 and order dated 18.07.2017, declaring petitioner No. 3 Karnail Singh (in complaint case) and all the consequential

proceedings, arising therefrom, are ordered to be quashed qua the both the sets of petitioners herein.

However, this order shall be subject to payment of costs in the sum of ₹5,000/- by each party, to be deposited with the District Legal Services Authority, Kurukshetra within 8 weeks from today, failing which this order shall stand recalled automatically without reference to the Court.

July 12, 2018
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No