

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-9086-2018****Date of Decision: 08.10.2018****Sandeep Kumar****...Petitioner****vs.****State of Punjab and another****..Respondents****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present: Mr. R.S.Rana, Advocate, for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

Ms. Khushwinder Kaur, Advocate, for respondent No.2.

ARVIND SINGH SANGWAN,J

Prayer in this petition is for quashing of FIR No. 140 dated 18.09.2012, under Sections 294/506/34 IPC and 27/54/59 of the Arms Act, registered at Police Station City Khanna along with all the consequential proceedings arising therefrom, on the basis of compromise.

In pursuance to the order dated 09.07.2018, the trial Court has submitted its report dated 14.08.2018 and as per the report, the trial Court has recorded the statement of respondent No.2 namely Pawan Kumar alongwith other complainants, namely, Varinder Kumar, Lila Wanti, Neelam Sharma and Bhupinder Khurmi.

The trial Court, after recording the statement of the complainant(s) and verifying their identity, has submitted the report that compromise Ex.C1 has been entered into between the parties with their own free will and the complainant(s) has no objection in case, the present FIR is quashed against the petitioner. Trial Court has also recorded a finding that, there were two accused persons in the FIR, out of them, one namely

Chaman Lal has already died. It is also stated that the petitioner was never declared a proclaimed offender.

The petitioner has also deposited the costs of ₹10,000/- in the Government Treasury.

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 the 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.

In view of the fact that the parties have entered into a valid and legal compromise; have resolved their dispute and also in view of the 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, 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.

In view of the above, the present petition is allowed. FIR No. 140 dated 18.09.2012, under Sections 294/506/34 IPC and 27/54/59 of the Arms Act, registered at Police Station City Khanna along with all the consequential proceedings, arising therefrom, are ordered to be quashed qua petitioner on payment of costs of ₹3,000/- to be deposited in District Legal Services Authority, Khanna.

08.10.2018
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No