

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

**Crl. Misc. No. M-6144 of 2019 (O&M)
Date of decision: September 26, 2019**

Devinder Singh and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vivek K.Thakur, Advocate
for the petitioners.

Mr. Rakeshinder Singh Sidhu, A.A.G, Punjab
for respondent No. 1.

Mr. Mohit Thakur, Advocate
for respondents No. 2 to 4.

SURINDER GUPTA, J.(Oral)

The petitioners have filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No.42 dated 27.05.2008 (Annexure P-2) along with all consequential proceedings arising therefrom, registered for offences punishable under Sections 341, 324, 323, 148, 506 read with Section 149 of Indian Penal Code (for short 'IPC') at Police Station Mulepur, District Fatehgarh Sahib on the basis of the compromise (Annexure P-5).

As per case of the prosecution, the occurrence took place on 27.05.2008 when respondents No. 2 to 4 were going in a car with sweets/ Laddoos as mother of complainant had won in Panchayat election. On the way, their car was stopped by the petitioners and injuries were caused to respondents No. 2 to 4. The police after investigation presented the challan

against all the petitioners. After completion of trial, all the petitioners were convicted and sentenced for the offences punishable under Sections 148, 323, 324, 506 read with Section 149 IPC. They filed appeal against the judgment of the trial Court which is pending before Additional Sessions Judge, Fatehgarh Sahib. The matter has since been amicably settled. Report of the concerned Court about the genuineness of compromise was called.

Learned counsel for the petitioners submits that the matter has since been settled vide compromise, copy of which has been placed on file as Annexure P-5.

Learned counsel for respondent No.2-complainant and other private respondents endorse the submission of learned counsel for the petitioners and has no objection if the impugned FIR (Annexure P-2) is quashed.

Learned State counsel has also not disputed compromise (Annexure P-5).

Learned Additional Sessions Judge, Fatehgarh Sahib in her report dated 11.03.2019 has observed that the compromise arrived between the parties as a voluntary and without any pressure, threat or coercion. The parties have resolved their dispute.

The question which arises for consideration is as to whether quashing of FIR after at this stage can be allowed. To find answer reference can be made to the Division Bench of this Court in the case of ***Sube Singh and another Versus State of Haryana and another, 2013(4) R.C.R. (Criminal) 102***, wherein it has been held as follows:-

“16. As regards the doubt expressed by the learned Single Judge whether the inherent power under Section 482 Criminal

*Procedure Code to quash the criminal proceedings on the basis of compromise entered into between the parties can be invoked even if the accused has been held guilty and convicted by the trial Court, we find that in **Dr. Arvind Barsaul etc. V. State of Madhya Pradesh & Anr., 2008(2) R.C.R. (Criminal) 910: (2008) 5 SCC 794**, the unfortunate matrimonial dispute was settled after the appellant (husband) had been convicted under Section 498A Indian Penal Code and sentenced to 18 months' imprisonment and his appeal was pending before the first appellate court. The Apex Court quashed the criminal proceedings keeping in view the peculiar facts and circumstances of the case and in the interest of justice observing that "continuation of criminal proceedings would be an abuse of the process of law" and also by invoking its power under Article 142 of the Constitution. Since the High Court does not possess any power akin to the one under Article 142 of the Constitution, the cited decision cannot be construed to have vested the High Court with such like unparallel power.*

17. The magnitude of inherent jurisdiction exercisable by the High Court under Section 482 Criminal Procedure Code with a view to prevent the abuse of law or to secure the ends of justice, however, is wide enough to include its power to quash the proceedings in relation to not only the non-compoundable offences notwithstanding the bar under Section 320 Criminal Procedure Code but such a power, in our considered view, is exercisable at any stage save that there is no express bar and invoking of such power is fully justified on facts and circumstances of the case."

Keeping all the above facts in view, I am of the considered opinion that it is a fit case in which the impugned FIR should be quashed.

Keeping the case pending will not serve the ends of justice. The quashing

of the FIR will provide the parties to this petition an opportunity to live in

an amicable, peaceful and harmonious atmosphere which is not only in the interest of the parties but also for their families and ultimately the society at large.

For the reasons as discussed above, the instant petition is allowed and FIR No. 42 dated 27.05.2008 registered at Police Station Mulepur, District Fatehgarh Sahib (Annexure P-2) along with all consequential proceedings arising therefrom, qua petitioners, is quashed.

September 26, 2019

Jyoti-II

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No