

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

Decided on: 14.01.2019

1. CRM-M No.5623 of 2018

Raminderpal Singh
.....Petitioner
Versus
State of Punjab and another
.....Respondents

2. CRM-M No.5581 of 2018

Raminderpal Singh and another
.....Petitioners
Versus
State of Punjab and another
.....Respondents

3. CRM-M No.5698 of 2018

Sucha Lal and others
.....Petitioners
Versus
State of Punjab and another
.....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Vivek Salathia, Advocate
for the petitioners.
(in CRM-M Nos.5623 and 5581 of 2018)
and for respondent No.2 (in CRM-M No.5698 of 2018)

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

Mr. Vivek Singla, Advocate
for respondent No.2.
(in CRM-M Nos.5623 and 5581 of 2018)
and for the petitioners (in CRM-M No.5698 of 2018)

ARVIND SINGH SANGWAN, J. (Oral)

By way of this order, I shall dispose of aforesaid petitions

as common questions of law and facts are involved for adjudication.

Prayer in ***CRM-M Nos.5623 and 5581 of 2018*** is for quashing of FIR No.142 dated 05.10.2015 registered under Sections 326/324/323/427/148/149 of the Indian Penal Code (in short 'IPC') at Police Station Beas, Amritsar Rural as well as for quashing of criminal complaint No.23419 dated 08.07.2011 filed under Sections 326/324/323/382/506/34 IPC at Police Station Kathunangal, Amritsar Rural, the summoning order (Annexure P4) and all other consequential proceedings arising therefrom, on the basis of the compromise.

In pursuance to the order dated 15.02.2018, the parties were directed to appear before the trial Court for recording their respective statements with regard to the compromise.

Prayer in ***CRM-M No.5698 of 2018*** is for quashing of FIR No.4 dated 18.01.2011 registered under Sections 324, 323, 148, 149 IPC at Police Station Kathunangal, Amritsar Rural and all other consequential proceedings arising therefrom on the basis of the compromise.

Vide order dated 09.02.2018, the parties were directed to appear before the trial Court for recording their statements with regard to the compromise.

In pursuance to the aforesaid orders dated 15.02.2018 and 09.02.2018, the trial Court has submitted 02 separate reports. As per the report dated 20.03.2018, the trial Court after recording the statement of the parties has recorded its satisfaction that the compromise has been entered into between the parties out of their free will and without any

pressure or coercion and the complainant has no objection if the impugned FIR No.142 dated 05.10.2015 and criminal complaint No.23419 dated 08.07.2011 is quashed.

Similar report has been submitted on 18.04.2018 that the complainant Maninderjit @ Manjinder has no objection, if the proceedings in criminal complaint No.23419 dated 08.07.2011 is quashed against the petitioners – Raminderpal Singh and Gurbachan Singh.

Similarly, the trial Court has also submitted a report dated 18.04.2018, pertaining to FIR No.4 dated 18.01.2011 that the parties have entered into an amicable settlement and the complainant has entered into a compromise with the complainant – Raminderpal Singh with the petitioners whereas one of the accused namely Amritpal Singh was declared as proclaimed offender.

Counsel for the petitioners has, however, stated that the compromise with regard to the said Amritpal Singh is also effected as it has come in the statement of the complainant that he has compromised the matter with all the accused persons and has no objection, if the FIR No.4 dated 18.01.2011 is quashed.

Counsel for the petitioners has further submitted that no other criminal case is pending between the parties.

This fact is not disputed by counsel for the State, on instructions from the Investigating Officer.

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, considering the fact that the parties in dispute are accused/complainant against each other in the aforesaid 03 petitions and have decided to live in peace, the petitions are allowed.

The summoning order dated 30.11.2015 (Annexure P4) is set-aside and

the FIR No.142 dated 05.10.2015 registered under Sections 326/324/323/427/148/149 IPC at Police Station Beas, Amritsar Rural, the criminal complaint No.23419 dated 08.07.2011 filed under Sections 326/324/323/382/506/34 IPC at Police Station Kathunangal, Amritsar Rural and the FIR No.4 dated 18.01.2011 registered under Sections 324, 323, 148, 149 IPC at Police Station Kathunangal, Amritsar Rural, and all other consequential proceedings arising therefrom on the basis of the compromise, are ordered to be quashed.

(ARVIND SINGH SANGWAN)
JUDGE

14.01.2019
yakub

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