

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

Decided on: 26.02.2019

1. CRM-M No.23155 of 2018

Gora Lal

....Petitioner

Versus

State of Punjab and others

....Respondents

2. CRM-M No.52636 of 2018

Om Parkash and another

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. H.P.S. Ghuman, Advocate
for the petitioners (in CRM-M-23155-2018)

Mr. Munish Gupta, Advocate
for the petitioners (in CRM-M-52636-2018)
and for respondent No.2 (in CRM-M-23155-2018)

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Arman Gagneja, Advocate
for respondent No.2 (in CRM-M-52636-2018)

Mr. B.S. Waraich, Advocate
for respondent No.2 (in CRM-M-23155-2018)

Mr. Arun Jindal, Advocate
for respondent No.5 (in CRM-M-23155-2018)

ARVIND SINGH SANGWAN, J. (Oral)

By way of this order, I shall dispose of aforesaid petitions
as they emerged from FIR No.36 dated 22.04.2018, registered under

Sections 420, 465, 468, 471 and 120-B of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Kotwali Nabha, Tehsil Nabha, District Patiala, as common question of law and facts are involved for adjudication.

In both the cases, vide order dated 10.12.2018, the trial Court/Illaq Magistrate was directed to record the statements of the parties and send its report with regard to genuineness of the compromise effected between the parties.

In pursuance to the said order, the trial Court after recording the statements of the parties, has reported on 09.01.2019 that the parties have appeared through their respective counsels representing them in the trial Court and that the compromise effected between the parties was voluntarily and without any coercion, pressure.

Counsel for the petitioners, at the very outset, submits that one of the accused namely Varinder Pal Singh has since died, therefore, the respondent/complainant(s) has effected the compromise with the petitioner – Gora Lal (in CRM-M No.23155 of 2018) and the petitioners namely Om Parkash and Yashpal Singla (in CRM-M No.52636 of 2018).

Counsel for the petitioners submits that no other criminal case is pending between the parties and none of the petitioner is a proclaimed offender.

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

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, the petitions are allowed. FIR No.36 dated 22.04.2018, registered under Sections 420, 465, 468, 471 and 120-B of the Indian Penal Code, 1860 (in short 'IPC') registered at

Police Station Kotwali Nabha, Tehsil Nabha, District Patiala along with all the consequential proceedings, arising therefrom, are ordered to be quashed qua the petitioner(s) subject to payment of costs of Rs.3,000/- each (in both the petitions) to be deposited with the District Legal Services Authority, Patiala.

(ARVIND SINGH SANGWAN)
JUDGE

26.02.2019
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No