

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

CRM-M-42398-2018

Date of Decision:-21.1.2020

Kulwinder Singh @ Romi and another ... Petitioners

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Navkiran Singh, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

GURVINDER SINGH GILL, J.

1. The petitioners have approached this Court seeking quashing of FIR No.141 dated 14.10.2017 registered under Section 174-A IPC at Police Station Division No. 4, District Jalandhar and all consequential proceedings emanating therefrom on the ground that the matter has since been compromised amongst the parties and that the main case i.e. FIR No.27 dated 15.3.2017 registered under Sections 406/420/506 IPC at Police Station Division No. 4, Jalandhar has also been quashed vide separate order passed today in view of the compromise amongst the parties.
2. I have heard the learned counsel for the petitioners and also the learned State counsel and also the private respondents. As far as an offence under Section 174 IPC is concerned, the said offence is not an offence against an individual but an offence on account of the conduct on part of the accused, who had intentionally evaded his arrest in an attempt to flee away from

justice. Needless to mention, in the exercise undertaken by the police for securing the presence of the accused or for effecting his arrest, earnest efforts must have been made by the police and a lot of time, money and energy must have been wasted in the said exercise. In these circumstances, it is basically the State which would be the aggrieved party rather than the private complainant at whose instance initial FIR was lodged. However, all said and done, the ultimate purpose of administration of justice is that peace and harmony must prevail in society. If in a particular case, better sense has prevailed amongst the parties including the one who is alleged to have committed some offence and the parties have resolved their issues, the Courts do acknowledge the same and in case of minor offences permit the parties to compound the offences.

3. Some of the offences have been made compoundable under the scheme of the Code i.e. under Cr.P.C. wherein in Section 320, the offences which are compoundable have been mentioned. Infact, a Full Bench judgment of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab Court and Hon'ble the Apex Court in 2014(2) RCR (Criminal) 482 Narinder Singh and others vs. State of Punjab and another and in 2012(4) RCR (Criminal) 543 Gian Singh Vs. State of Punjab and another have even permitted compounding of some of the non-compoundable offences also. Going by the aforesaid spirit of law and the precedents, this Court finds that the present case is such where this Court could invoke its inherent jurisdiction so as to put an end of the sufferings of the accused who has been either facing litigation/prosecution and who has now amicably resolved his disputes with the complainant. In these circumstances, since better sense

seems to have prevailed upon the petitioner, he needs to be given a chance to live like a decent and peaceful citizen, without being forced to face prosecution which had basically arisen out of a dispute which has since been resolved.

4. In view of the aforesaid discussion, the petition is accepted and the FIR No.141 dated 14.10.2017 registered under Section 174-A IPC at Police Station Division No. 4, District Jalandhar and all consequential proceedings emanating therefrom are hereby quashed. However, keeping in view the fact that on account of the conduct of the petitioner in evading arrest, the Courts and the police had to make several sustained efforts for securing his presence and also while keeping in view other facts and circumstances including the fact that son of the petitioner is physically challenged, the FIR is being quashed subject to payment of costs of ₹ 10,000/- which shall be deposited by the petitioners with Shaheed Ajit Singh Police Welfare Fund within a fortnight from today.
5. A copy of this order be sent to the Additional Director General of Police (Welfare), Punjab for ensuring compliance of the aforesaid directions regarding deposit of amount of ₹ 10,000/-.

21.1.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No