

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

238

**CRM-M-26476-2020
Decided on : 05.10.2020**

Gurpreet Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Mohd. Jameel, Advocate for the petitioner.

Mr. Ramandeep Singh, DAG, Punjab
for respondent No.1.

Mr. Nafees Ahmad Khan, Advocate
for respondent No.2.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The present petition under Section 482 Cr.P.C., has been filed for quashing of FIR No.78 dated 25.06.2020 under Sections 279, 337, 427 IPC registered at Police Station Sandaur, District Sangrur and all subsequent proceedings arising therefrom, on the basis of Panchayati compromise dated 18.07.2020 (Annexure P-2).

The FIR was lodged by Nirmal Singh on account of the fact that due to rash and negligent act of the petitioner, he suffered injuries upon the leg and also his motorcycle had been damaged. The compromise was, thus, entered into on 18.07.2020 (Annexure P-2), whereby a sum of Rs.7,50,000/- had been received by him, on account of injuries, as he was admitted in DMC Hospital, Ludhiana.

On 07.09.2020, this Court had directed the Trial Court/Illaq

Magistrate to record the statements of the parties and send its report alongwith the statements to this Court.

Report dated 17.09.2020 has been submitted by the Judicial Magistrate 1st Class, Malerkotla, who has come to the conclusion that compromise has been arrived at genuinely and statement is made voluntarily without any pressure or coercion. The statements of the parties were also recorded and Rs.7,50,000/- has been received by the complainant in cash, on returning of the cheque of the same amount, which he had received in pursuance of the compromise. The nature of the offences as such which are personal between the petitioner and the complainant, therefore, it would not be in the interest of the parties as such to continue with the proceedings.

The Full Bench of this Court in ***Kulwinder Singh and others vs. State of Punjab and another, 2007 (3) RCR (Crl.) 1052*** has held that the power under Section 482 Cr.P.C. cannot be limited to matrimonial cases alone and this Court has wide powers to quash the proceedings even in non-compoundable proceedings notwithstanding the bar under Section 320 Cr.P.C. in order to prevent the abuse of law and to secure the ends of justice. Importance as such had been laid to the resolution of dispute by way of compromise between the two groups to give full effect to the same. It has further been held that the offences of murder and culpable homicide and where there are cases of involving clear cut allegations of rape and heinous offences like highway robbery, dacoity would remain non-compoundable and the Court would, as such, not

quash such matters.

The Apex Court in *Gian Singh vs. State of Punjab and another, 2012 (10) SCC 303*, a three-Judge Bench also examined the issue of quashing qua Sections 320 and 482 Cr.P.C. and has approved the view of the Full Bench and decided the reference accordingly since a clashing view as such had been taken by the other Benches of the Apex Court regarding the powers under Section 482 Cr.P.C. Resultantly, it was held that the power of quashing while exercising the inherent powers by the High Court could not be limited in a straightjacket formula and no precise and inflexible guidelines could be provided. Where the victims had settled their dispute which was private in nature and where the possibility of conviction is remote and bleak, the continuation of the case would only amount to the abuse of process of law despite settlement and compromise and, thus, the jurisdiction of the High Courts was upheld to quash the criminal proceedings.

Accordingly, keeping in view the above, the FIR No.78 dated 25.06.2020 (Annexure P-1) alongwith all subsequent proceedings arising therefrom is accordingly quashed and the present petition stands allowed.

OCTOBER 05, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No