

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

Decided on: 30.01.2020

1. CRM-M No.32743 of 2019

Ramandeep Singh and others

....Petitioners

Versus

State of Punjab and others

....Respondents

2. CRM-M No.32800 of 2019

Jagtar Singh and others

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. A.S. Manaise, Advocate
for the petitioners (in CRM-M-32743-2019)
and for respondents No.2 to 4 (in CRM-M-32800-2019)

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Gagandeep S. Manku, Advocate
for respondents No.2 to 4 (in CRM-M-32800-2019)
and for the petitioners (in CRM-M-32743-2019)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in these petitions is for quashing of FIR No.47 dated 25.05.2013, registered under Sections 323, 324, 325, 326, 148 and 149 of the Indian Penal Code, 1860 (in short 'IPC') and the cross-case registered on the statement of Jagsir Singh in the aforementioned FIR No.47 dated 25.05.2013 at Police Station Sadar Abohar, District Fazilka being version and cross-version and for setting-aside the

judgment of conviction dated 22.01.2019 (Annexure P3) passed by the trial Court and all other subsequent proceedings arising therefrom on the basis of the compromise arrived at between the parties.

In both the cases, vide orders dated 29.10.2019 and dated 13.11.2019, the Lower Appellate Court 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 Lower Appellate Court after recording the statements of the parties, has reported on 04.01.2020 that the parties have appeared through their respective counsels representing them in the Lower Appellate Court and that the compromise effected between the parties was voluntarily and without any coercion, pressure.

Counsel for the petitioners submits that no other criminal case is pending between the parties and none of the petitioner is a proclaimed offender. Counsel for the petitioners have also relied upon the judgment ***“Sube Singh and another vs State of Haryana and another”***, 2013 (4) RCR (Criminal) 102, wherein the Division Bench of this Court has held that *even after conviction, if the parties have settled the dispute amicably and have decided to live in peace and harmony, this Court, in exercise of powers under Section 482 Cr.P.C, can compound the offence.*

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.

The parties since 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.

Since the petitioners are not involved in any other case and the matter stood compromised between the parties as well as in view of the law laid down by the Hon'ble Division Bench of this Court in ***Sube Singh and another's case (supra)***, the present petitions are allowed.

FIR No.47 dated 25.05.2013, registered under Sections 323, 324, 325, 326, 148 and 149 IPC and the cross-case registered on the statement of Jagsir Singh in the said FIR No.47 dated 25.05.2013 at Police Station Sadar Abohar, District Fazilka along with all the consequential proceedings, arising therefrom, are ordered to be quashed subject to payment of costs of Rs.5,000/- to be deposited with the District Legal Services Authority concerned.

The judgment of conviction is upheld and the sentence awarded to the petitioners is reduced to the period already undergone by him. However, the imposition of fine is upheld. The petitioners are directed to deposit the fine, if not deposited so far, within a period of 01 month from today.

The petitioners be released forthwith, if they are in custody and not required in any other case.

(ARVIND SINGH SANGWAN)
JUDGE

30.01.2020
yakub

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