

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

Decided on: 16.05.2022

1. CRM-M No.61846 of 2018 (O&M)

Gurjinder Singh and others

....Petitioners

Versus

State of Punjab and others

....Respondents

2. CRM-M No.61876 of 2018 (O&M)

Narang Singh and others

....Petitioners

Versus

State of Punjab and others

....Respondents

3. CRM-M No.40161 of 2021 (O&M)

Balbir Singh @ Balvir Singh @ Happy

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. G.S. Nahel, Advocate
for the petitioners (in CRM-M-61846-2018)
and for respondents No.2 and 3 (in CRM-M-61876-2018)

Mr. Ranjit S. Sidhu, Advocate
for the petitioners (in CRM-M-61876-2018)
and for respondents No.2 and 3.
(in CRM-M-61846-2018 and CRM-M-40161-2021)

Mr. M.K. Dhot, Advocate
for the petitioner (in CRM-M-40161-2021)

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

By way of this order, I shall dispose of all the aforesaid petitions as they emerged from FIR No.203 dated 22.11.2015 registered under Sections 324, 323, 148, 149 of the Indian Penal Code, 1860 (in short 'IPC') and DDR No.32 dated 22.11.2018 under Sections 325, 341, 323, 148, 149 IPC in FIR No.203 dated 22.11.2015 at Police Station Sadar Dhuri, District Sangrur, being version and cross-version.

Prayer in the petition i.e. CRM-M No.40161 of 2021, is for quashing of impugned FIR No.203 dated 22.11.2015, on the basis of the compromise and for setting-aside the order dated 03.11.2018 vide which the petitioner – Balbir Singh was declared as proclaimed offender.

In both the cases i.e. CRM-M Nos.61846 and 61876 of 2018, vide order dated 16.01.2020, the trial Court/Illaqa 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 29.02.2020 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 submits 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, the petitions are allowed. FIR No.203 dated 22.11.2015 registered under Sections 324, 323, 148, 149

IPC and DDR No.32 dated 22.11.2018 under Sections 325, 341, 323, 148, 149 IPC in FIR No.203 dated 22.11.2015 at Police Station Sadar Dhuri, District Sangrur, along with all the consequential proceedings, arising therefrom, are ordered to be quashed subject to payment of costs of Rs.5,000/- each (in all the petitions) to be deposited with the District Legal Services Authority, Sangrur.

Since the matter stood compromised between the parties and the victims/respondents No.2 and 3 have stated (in connected petitions) that they have settled the dispute with the petitioner – Balbir Singh, as well, the order dated 03.11.2018, declaring the petitioner – Balbir Singh as proclaimed offender is set-aside.

A photocopy of this order be placed on the file of other connected cases.

(ARVIND SINGH SANGWAN)
JUDGE

16.05.2022
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No