
(2018) 01 P&H CK 0015
In the Punjab And Haryana At Chandigarh
Case No : 34463 of 2017

Jagsir Singh @ Jagga Singh and others APPELLANT
Vs
State of Punjab and another RESPONDENT

Date of Decision : 11-01-2018

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 482](#) - Saving of inherent powers of High Court
[Indian Penal Code, 1860](#), [Section 323](#),
[Section 148](#), [Section 148](#)

Citation : (2018) 01 P&H CK 0015

Hon'ble Judges : Arvind Singh Sangwan

Bench : Single Bench

Advocate : D.S.Gurna, Abhaypal Singh Gill, Gagandeep Singh

Final Decision : Allowed

Judgement

1. Petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No. 59 dated

28.6.2017 under Sections 148, 149, 323, 427, 452, 506 of the Indian Penal Code, 1860 ("IPC" for short) registered at Police Station Sadar,

District Sangrur (Annexure P1) and all consequential proceedings arising therefrom, on the basis of compromise on 30.8.2017(Annexure P2) .

2. Vide order dated 4.10.2017, a direction was given to the trial Court /Area Judicial Magistrate to record the statements of the parties and submit

a report regarding the genuineness of the compromise effected between the parties and also to intimate whether any accused is proclaimed

offender.

3. In pursuance thereof, the trial Court has submitted a report dated 27.11.2017 (forwarded by the District and Sessions Judge Sangrur on

28.11.2017), after recording the statements of the parties. The trial Court has submitted that the complainant-Gagandeep Singh and accused-

Jagsir Singh @ Jagga Singh, Gurpreet Singh, Darshan Singh, Kuldeep Singh, Amarjit Kaur and Bhupinder Singh @ Kinoo have appeared along

with their respective counsel, who had identified them and got their statements recorded acknowledging that the compromise had been effected

voluntarily, without any coercion or any undue influence. This fact is not disputed by learned State Counsel, who has submitted, on instructions from

Assistant Sub Inspector -Gurmail Singh that none of them is proclaimed offenders.

4. Perusal of 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 that criminal proceedings are put to an end.

5. As per the Full Bench judgement of this Court in Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052, 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

felt that the same was required to prevent the abuse of the process of any Court or to otherwise secure the ends of justice. This power of quashing

is not confined to matrimonial disputes alone.

6. The Apex Court in Central Bureau of Investigation vs. Sadhu Ram Singla and others (2017) 5 Supreme Court Cases 350 has held as under:-

Having carefully considered the singular facts and circumstances of the present case, and also the law relating to the continuance of criminal cases

where the complainant and the accused had settled their differences and had arrived at an amicable arrangement, we see no reason to differ with

the view taken in Manoj Sharma's case (supra) and several decisions of this Court delivered thereafter with respect to the doctrine of judicial

restraint. In concluding hereinabove, we are not unmindful of the view recorded

in the decisions cited at the Bar that depending on the attendant facts, continuance of the criminal proceedings, after a compromise has been arrived at between the complainant and the accused, would amount to abuse of process of Court and an exercise in futility since the trial would be prolonged and ultimately, it may end in a decision which may be of no consequence to any of the parties.

7. 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.

8. Accordingly, this petition is allowed. FIR No. 59 dated 28.6.2017 under Sections 148, 149, 323 ,427, 452 and 506 IPC registered at Police

Station Sadar, District Sangrur (Annexure P1) and all the consequential proceedings, arising therefrom, are ordered to be quashed qua the

petitioners by way of compromise subject to the petitioners paying costs in the sum of ` 5000/- in the Office of District Legal Services Authority,

Sangrur within 8 weeks from today, failing which this order shall stand recalled automatically without reference to the Court.