
(2012) 09 P&H CK 0319

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M- 22121 of 2010 (O and M)

Parabjot Singh @ Jot and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 13-09-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 148, 149, 323, 324, 326

Citation : (2012) 09 P&H CK 0319

Hon'ble Judges : Sabina, J

Bench : Single Bench

Advocate : Naveen Sharma, for Ms. Naiya Gill, for the Appellant; Amandeep Singh Rai, DAG, Punjab and Mr. Surinder Sharma, Advocate Respondent Nos. 2 and 4, for the Respondent

Final Decision : Allowed

Judgement

Sabina, J.—Petitioners have filed this petition u/s 482 of the Code of Criminal Procedure, 1973 for quashing FIR No. 88 dated 11.12.2002 (Annexure P-1), under Sections 326, 324, 323, 148, 149 of the Indian Penal Code, 1860 ("IPC for short) registered at Police Station Kotli Surat Malli District Gurdaspur and all the subsequent proceedings arising therefrom in view of the compromise (Annexure P-2) arrived at between the parties. Learned Counsel for the petitioners has submitted that the parties have arrived at a compromise with the intervention of the relatives and friends.

2. Respondent Nos. 2 and 4, who are present in person along with their counsel, have admitted the factum of compromise between the parties. They have also admitted the contents of their affidavit (Annexure P-2) and have submitted that they no objection in case the FIR is ordered to be quashed.

3. Respondent No. 4 has further submitted that his son Avtar Singh- respondent No. 3 had come to India for about 2-3 months and had left for Dubai on 8.4.2012. Respondent N. 4 has admitted the contents of the affidavit, executed

by his son Avtar Singh-respondent No. 3 on 31.3.2012 (Annexure P-4).

4. As per the Full Bench judgment of this Court in Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052, High Court has power u/s 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.

5. Hon''ble the Apex Court in the case of Nikhil Merchant vs. Central bureau of Investigation and another JT 2008 (9) SC 192 in para Nos. 23 and 24 has held as under:-

23. In the instant case, the disputes between the Company and the Bank have been set at rest on the basis of the compromise arrived at by them whereunder the dues of the Bank have been cleared and the Bank does not appear to have any further claim against the Company. What, however, remains is the fact that certain documents were alleged to have been created by the appellant herein in order to avail of credit facilities beyond the limit to which the Company was entitled. The dispute involved herein has overtones of a civil dispute with certain criminal facets. The question which is required to be answered in this case is whether the power which independently lies with this Court to quash the criminal proceedings pursuant to the compromise arrived at, should at all be exercised?

24. On an overall view of the facts as indicated hereinabove and keeping in mind the decision of this Court in B.S. Joshi's case (supra) and the compromise arrived at between the Company and the Bank as also clause 11 of the consent terms filed in the suit filled by the Bank, we are satisfied that this is a fit case where technicality should not be allowed to stand in the way in the quashing of the criminal proceedings, since, in our view, the continuance of the same after the compromise arrived at between the parties would be a futile exercise.

6. 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. Accordingly, the present petition is allowed. FIR No. 88 dated 11.12.2002 (Annexure P-1), under Sections 326, 324, 323, 148, 149 IPC registered at Police Station Kotli Surat Malli District Gurdaspur and all the subsequent proceedings, arising therefrom, are quashed.