

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

**CRM Nos.13448-49 of 2015 in/and
CRA-S No.557-SB of 2006**

Date of decision: 10th December, 2015

Himmat Singh and others

... Appellants

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Amandeep S. Gill, Advocate
for the applicant/appellants .

Mr. Gurveer Sidhu, Asstt. Advocate General, Punjab.

FATEH DEEP SINGH, J.(ORAL)

Appellants Himmat Singh, Swaran Singh, Basant Singh, Saudagar Singh and Randhir Singh were tried in a case registered by way of FIR No.83 dated 07.07.2002 under Sections 326/450/148/149 IPC at Police Station Sadar Moga and the Court of learned Additional Sessions Judge, Moga convicted and sentenced them as under:

- “1. All the five accused are sentenced for offence punishable under Section 148 IPC to undergo RI for one year and to pay a fine of Rs.1000/-,*

in default to pay fine to undergo further RI for two months by each of them.

2. *Accused Himmat Singh is sentenced for offence punishable under Section 326 IPC to undergo RI for four years and to pay a fine of Rs.5000/-, in default to pay fine to undergo further RI for six months; and accused Basant Singh, Swaran Singh, Saudagar Singh and Randhir Singh are sentenced for offence punishable under Section 326 IPC read with Section 149 IPC to undergo RI for 3½ years and to pay a fine of Rs.4000/-, in default to pay fine to undergo further RI for five months by each of them.*
3. *All the five accused are sentenced for offence punishable under Section 450 IPC read with Section 149 IPC to undergo RI for six years and to pay a fine of Rs.5000/-, in default to pay fine to undergo further RI for six months by each.”*

Aggrieved from the judgment of conviction and order of sentence, the appellants approached this Court by way of the instant appeal, which stands admitted vide orders dated 24.03.2006.

It is at this stage, parties have arrived at a compromise and settled the dispute by way of Panchayati Compromise dated 20.02.2015 (Annexure A-1) and have filed an application by way of CRM No.13449 of 2015 for quashing of the FIR along with all

consequent proceedings arising out of the said FIR, whereupon report of the Court below was called for.

Report dated 09.09.2015 of Addl. Chief Judicial Magistrate, Moga has been received whereby on the basis of statements of Kuldeep Singh, Jugraj Singh and Natha Singh from the complainant side and that of the accused namely Himmat Singh, Basant Singh, Saudargar Singh and Randhir Singh, the Court has shown its satisfaction that the parties have amicably compromised the matter voluntarily, without any coercion, pressure or undue influence. However, the report is silent about the statement of accused Swaran Singh.

Heard Mr. Amandeep Singh Gill, Advocate for the applicant/appellants and Mr. Gurveer Sidhu, Asstt. Advocate General, Punjab on behalf of the respondent/State.

Learned counsel for the applicant/appellants has sought to place reliance upon a Division Bench view of this Court in '**Sube Singh and another v. State of Haryana and another**' reported in **2013(4) RCR (Criminal) 102** to impress upon this Court that the High Court is vested with unparalleled powers to quash criminal proceedings at any stage to secure the ends of justice even where after conviction an appeal is pending. Their Lordships in **Sube Singh's case** (ibid) held as under:

"The magnitude of inherent jurisdiction exercisable by the High Court under Section 482

Criminal Procedure Code with a view to prevent the abuse of law or to secure the ends of justice, however, is wide enough to include its power to quash the proceedings in relation to not only the non-compoundable offences notwithstanding the bar under Section 320 Criminal Procedure Code but such a power, in our considered view, is exercisable at any stage save that there is no express bar and invoking of such power is fully justified on facts and circumstances of the case.”

Having regard to this position of law and that in similar other views reported in 2012(10) SCC 303 titled as ‘**Gian Singh v. State of Punjab and another**’ and 2014(6) SCC 466 titled as ‘**Narinder Singh and others v. State of Punjab and another**’, wherein the Hon’ble Apex Court has taken a very liberal approach as to quashment of proceedings and had emphasized that quashment of such proceedings depends upon the facts and circumstances of each case and has attached primacy where such a quashment by way of compromise is essential to secure the ends of justice or to prevent abuse of the process of any Court and it is only in cases which are of very heinous or serious nature like murder, rape, dacoity or corruption etc. the courts should not come to the aid and rescue of a petitioner.

Keeping in view the facts and circumstances of the present case, and the fact that offences for which the accused have been hauled up are not of heinous nature together with the fact that this compromise to the mind of this Court would go a long way in putting

an end to this hostility and would otherwise be conducive for the future life of the parties to this compromise who belong to the same area. The Court taking a holistic and pragmatic approach feels it essential and in the interest of justice to allow the prayer made in the application. Thus, FIR No.83 dated 07.07.2002 registered under Sections 326/450/148/149 IPC at Police Station Sadar Moga along with judgment of conviction dated 17.03.2006 passed by learned Additional Sessions Judge, Moga and all consequences arising therefrom are hereby quashed qua petitioners except Swaran Singh, who failed to make any statement before the Court on the directions of this Court.

The applications stand allowed and the appeal is disposed off in those terms.

(FATEH DEEP SINGH)
JUDGE

December 10, 2015
rps