

**CRM-M-12573-2013 and
CRM-M-23446-2014**

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

Date of Decision: 08.05.2015

1. CRM-M-12573-2013

Sukhpal Singh and others

....Petitioner(s)

Versus

State of Punjab and another

....Respondent(s)

AND

2. CRM-M-23446-2014

Gurdeep Singh and another

....Petitioner(s)

Versus

State of Punjab and others

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Navdeep Monga, Advocate,
for the petitioners in CRM-M-12573-2013 and
for respondents No.2 and 3 in CRM-M-23446-2014. .

Mr. Vishal Goel, Advocate,
for the petitioners in CRM-M-23446-2014 and
for respondent No.2 in CRM-M-12573-2013.

Mr. S.S.Chandumajra, DAG, Punjab.

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PARAMJEET SINGH, J.

By this judgment, I intend to dispose of CRM-M-12573-2013 , titled 'Sukhpal Singh and others vs. State of Punjab and another' and CRM-M-23446-2014, titled 'Gurdeep Singh and another vs. State of Punjab and another', as common questions of fact and law are involved in both these petitions.

CRM-M-12573-2013 has been filed under Section 482 of the Code of Criminal Procedure, seeking quashing of case FIR No.88 dated 13.09.2010, registered at Police Station Jhunir, District Mansa, under Sections 382/148/149 of the Indian Penal Code, on the basis of compromise (Annexure P-3) and affidavit of respondent No.2 (Annexure P-2), alongwith all the subsequent proceedings arising therefrom.

CRM-M-23446-2014 has been filed under Section 482 of the Code of Criminal Procedure, seeking quashing of case FIR No.25 dated 23.04.2011, registered at Police Station Jhunir, District Mansa, under Sections 420/465/468/471 of the Indian Penal Code, on the basis of compromise (Annexure P-2) and affidavits of respondents No.2 and 3 (Annexures P-3 and P-4), alongwith all the subsequent proceedings arising therefrom.

Vide order dated 25.04.2013 passed in CRM-M-12573-2013, notice of motion was issued and parties were directed to appear before trial Court to get their statements recorded with regard to compromise and the trial Court was directed to send the report.

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In compliance of the order dated 25.04.2013, learned trial Court has submitted its report vide letter dated 06.06.2013 which indicates that parties appeared before it and got recorded their respective statements with regard to validity of compromise. As per the report, compromise arrived at between the parties is genuine and without any pressure or coercion from any corner. Learned counsel for the parties state that now, no dispute survives between the parties.

Vide order dated 22.09.2014 passed in CRM-M-23446-2014, petitioner was directed to file affidavit stating that the dispute was regarding bus bearing registration No.PB 5F-9540 and the same has been amicably settled. In pursuance of the said order, petitioner No.1 filed affidavit that dispute in both the FIRs was regarding possession of the aforementioned bus and now the same has been settled between the parties.

Consequently, in view of compromise (Annexure P-3 in CRM-M-12573-2013) and compromise (Annexure P-2 in CRM-M-23446-2014) and affidavits of respective parties, and keeping in view the law laid down by the Hon'ble Apex Court in the case of ***Madan Mohan Abbot vs. State of Punjab, 2008(2) RCR (Criminal) 429, Gian Singh vs. State of Punjab and another, 2012(4) R.C.R.(Criminal) 543, Narinder Singh and others vs. State of Punjab and another, 2014(2) R.C.R.(Criminal) 482*** and Full Bench judgment of this Court in the case of ***Kulwinder Singh and others vs. State of Punjab and another, 2007***

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(3) RCR (Crl.) 1052, no useful purpose would be served in prolonging the litigation, especially when this case does not fall within the category of exceptional cases where this Court should not exercise its inherent jurisdictional power to quash the criminal proceedings, as held in **Gian Singh (supra)** and **Narinder Singh and others (supra)**. In the facts and circumstances of this case, it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of the criminal proceedings would amount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and to secure the ends of justice, therefore, it is appropriate that criminal case is put to an end.

Both the petitions are allowed. FIR No.88 dated 13.09.2010, registered at Police Station Jhunir, District Mansa, under Sections 382/148/149 of the Indian Penal Code is hereby quashed, on the basis of compromise (Annexure P-3 in CRM-M-12573-2013), and all the criminal proceedings arising from the said FIR also stand quashed.

FIR No.25 dated 23.04.2011, registered at Police Station Jhunir, District Mansa, under Sections 420/465/468/471 of the Indian Penal Code is hereby quashed, on the basis of compromise (Annexure P-2 in CRM-M-23446-2014), and all the criminal proceedings arising from the said FIR also stand quashed.

It is, however, made clear that if the proceedings already stand concluded and conviction recorded in the present case, this order

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shall be treated non est and, thus, will have no bearing on the conviction
and sentence order.

08.05.2015
parveen kumar

**(PARAMJEET SINGH)
JUDGE**