

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

CRM-M No.10247 of 2014 (O&M)

Date of decision: 28th July, 2015

Balla Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

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. Bhavyadeep Walia, Advocate
for the petitioners.

Mr. J.S. Brar, Asstt. Advocate General, Punjab
for respondent No.1.

Mr. Gaurav Jindal, Advocate
for respondents No.2 to 6.

FATEH DEEP SINGH, J.

The convict/petitioners as well as private respondents No.2 to 5 were jointly tried in a criminal case bearing FIR No.88 dated 28.05.2008 (Annexure P1) registered at Police Station Nahianwala, District Bathinda under Sections 326/324/323/148/149 IPC on the complaint of present respondent No.2 Surjit Singh and cross-version dated 28.05.2008 under Sections 324/323/148/149 IPC on the

complaint of present petitioner No.2 Golu Singh. The Court of learned Judicial Magistrate 1st Class, Bathinda while acquitting the private respondents of the charges, through judgment dated 14.10.2013 found petitioners No.1, 2 and 6 namely Balla Singh, Golu Singh and Lakha Singh respectively guilty for commission of offences under Sections 324/326 IPC and through order of sentence of even date sentenced them to undergo rigorous imprisonment for 3 years and to pay a fine of ₹1,000 each under Section 326 IPC whereas under Section 323 IPC they were sentenced to undergo rigorous imprisonment for 1 year.

The acquittal of petitioners No.3, 4 and 5 has been challenged by the private respondents No.2 to 5 by way of appeal before the learned Sessions Judge, Bathinda which is still pending.

It is at this juncture, parties entered into a compromise in writing by way of Compromise Deed dated 22.02.2014 (Annexure P4). It was consequent thereupon the present jurisdiction was invoked by the petitioners.

Report of the Court below was called for, and the Additional District & Sessions Judge, Bathinda through its report dated 02.05.2014 on the basis of statements of complainant Surjit Singh, Sukhpal Singh, Kewal Singh, Lovedeep Singh and Nasib Kaur as well as the accused persons namely Balla Singh, Golu Singh, Gurmail Singh, Major Singh, Darshan Singh and Lakha Singh, has shown its

satisfaction that the parties have amicably compromised the matter voluntarily, without any coercion, pressure or undue influence.

Heard Mr. Bhavyadeep Walia, Advocate for the petitioners, Mr. J.S. Brar, Asstt. Advocate General, Punjab representing the State/respondent No.1 and Mr. Gaurav Jindal, Advocate on behalf of respondents No.2 to 6.

Learned counsel for the petitioners 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.

In the present case, there is long standing civil litigation regarding possession of the ancestral land and the parties being related to each other and residents of the same village, being a case of version and cross-version, this compromise to the mind of this Court would certainly 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. Taking a holistic and pragmatic approach this Court feels it essential and in the interest of justice to allow the prayer made in this petition. Thus, FIR No.88 dated 28.05.2008 under Sections 324/323/148/149 IPC (Annexure P1) and DDR No.19 dated 07.06.2008 under Section 326 IPC (Annexure P2) both registered at

Police Station Nahianwala, District Bathinda along with judgment of conviction dated 14.10.2013 (Annexure P3) passed by learned Judicial Magistrate 1st Class, Bathinda and all consequences arising thereof are hereby quashed.

The petition stands allowed in those terms.

(FATEH DEEP SINGH)
JUDGE

July 28, 2015
rps