

CRM-M-11008-2014 & 11013 of 2015

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

Date of Decision: 03.08.2015

1. CRM-M-11008-2015

Leela Singh and others

....Petitioner(s)

Versus

State of Punjab and another

....Respondent(s)

AND

2. CRM-M-11013-2015

Gurmail Singh and others

....Petitioner(s)

Versus

State of Punjab and another

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. A.S. Sidhu, Advocate,
for the petitioners in CRM-M-11008-2015 and
for respondent no.2 in CRM-M-11013-2015.

Mr. N.S. Dandiwal, Advocate,
for the petitioners in CRM-M-11013-2015 and
for respondent no.2 in CRM-M-11008-2015.

Mr. K.S. Sidhu, Deputy Advocate General, Punjab.

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PARAMJEET SINGH, J. (ORAL)

By this judgment, I intend to dispose of CRM-M-11008-2015, titled 'Leela Singh and others vs. State of Punjab and another' and CRM-M-11013-2015, titled 'Gurmail Singh and others vs. State of Punjab and another' as in both these petitions, prayers have been made for quashing of FIR No.138 dated 08.09.2014, registered at Police Station Maur, District Bathinda(Annexure P-1), under Sections 341, 323, 506 and 34 of IPC and cross-case bearing DDR No. 32, dated 08.09.2014 arising out of the aforesaid FIR, respectively, on the basis of compromise dated 30.03.2015 (Annexure P-3 in CRM-M-11008 of 2015 and Annexure P-2 in CRM-M-11013 of 2015), alongwith all the subsequent proceedings arising therefrom.

Vide order dated 07.04.2015, parties in both cases were directed to appear before the Illaqa Magistrate/trial Court to get their statements recorded with regard to compromise and the Illaqa Magistrate/trial Court was directed to send the report.

In compliance of order dated 07.04.2015, the Judicial Magistrate Ist Class, Tawandi Sabo, has submitted separate reports in both the cases, vide letters dated 30.04.2015, which indicate 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. Now no dispute is pending between the parties.

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Learned counsel for the parties state that the trial is still pending and till date, conviction has not been recorded by the Court.

Consequently, in view of compromise dated 30.03.2015 (Annexure P-3 in CRM-M-11008 of 2015 and Annexure P-2 in CRM-M-11013 of 2015) and affidavits dated 04.04.2015 of the petitioner (in both the petitions) 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(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.

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Both the petitions are allowed. FIR No. 138 dated 08.09.2014, registered at Police Station Maur, District Bathinda, under Sections 341, 323, 506 and 34 of IPC and cross-case bearing DDR No. 32, dated 08.09.2014 arising out of the aforesaid FIR are hereby quashed, on the basis of compromise dated 30.03.2015 (Annexure P-3 in CRM-M-11008 of 2015 and Annexure P-2 in CRM-M-11013 of 2015) and affidavits 04.04.2015 of the petitioner (in both the petitions) and all the criminal proceedings arising out of the said FIR and cross-version also stand quashed.

It is, however, made clear that if the proceedings already stand concluded and conviction recorded in the present case, this order shall be treated non est and, thus, will have no bearing on the conviction and sentence order.

03.08.2015
Anjal

(PARAMJEET SINGH)
JUDGE