

Crl. Misc. No. M-11345 of 2014

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

Crl. Misc. No. M-11345 of 2014

Date of decision: 16.07.2015

Darshan Singh and another

....Petitioners

Versus

Subhcharanpal Kaur and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - Mr. P.S. Jammu, Advocate, for the petitioners.
Mr. Ajay Kamboj, Advocate, for respondents No.1 and 2.
Mr. C.S. Bakshi, Addl. A.G., Haryana.

PARAMJEET SINGH, J.

This petition has been filed by the petitioner under Section 482 of the Code of Criminal Procedure, seeking quashing of criminal complaint No.145-1 of 2004/2012 titled 'Subhcharanpal Kaur v. Gurdev Singh (deceased) and others' dated 28.07.2004 under Sections 419, 420, 467, 468, 471 read with Section 120-B, Police Station City Sirsa as well as judgment of conviction and order of sentence dated 22.02.2013 passed by learned Judicial Magistrate Ist Class, Sirsa whereby petitioners have been held guilty for committing offence punishable under Sections 419, 420, 467, 468, 471 read with Section 120-B IPC, on the basis of compromise (Annexure P-3) arrived at between the parties.

Brief facts for disposal of the present case are to the effect that petitioner No.2 is the daughter and petitioner No.1 is the son-in-law of

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Ghasita Singh. Respondents No.1 and 2, granddaughter and grandson of Ghasita Singh, respectively, filed criminal complaint No.145-1 of 2004/2012 under Sections 419, 420, 467, 468, 471 read with Section 120-B at Police Station City Sirsa on the ground that on 06.08.2003 all the accused entered into criminal conspiracy to grab the property of Gurdeep Kaur another daughter of Ghasita Singh, who died on 22.01.1977. Despite the knowledge that Gurdeep Kaur had died petitioners and Gurdev Singh sold her property by impersonation to one Surinder Kumar. During the pendency of complaint Gurdev Singh main accused died and proceedings qua him were abated by learned Judicial magistrate Ist Class, Sirsa. On the basis of evidence, trial Court vide impugned judgment of conviction and order of sentence dated 22.02.2013 held petitions guilty for the offences punishable under Sections 419, 420, 467, 468, 471 read with Section 120-B IPC and convicted them to undergo simple imprisonment for two years. Aggrieved against the judgment of conviction and order of sentence, petitioners preferred appeal before learned Additional Sessions Judge, Sirsa, which is still pending. During the pendency of appeal, petitioners have effected compromise with the complainant party. Hence, this petition.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the petitioners contended that both the parties are closely related to each other. The main allegations are against

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Gurdev Singh, who has died during the pendency of trial. Learned counsel for the petitioners further contends that during the pendency of appeal, good sense prevailed between the parties and both have amicably settled the matter and as per compromise (Annexure P-3) complainant party has been duly compensated. Petitioners are old-age persons and it would be in the interest of justice to quash the complaint as well as the impugned judgment of conviction and order of sentence. Learned counsel for the petitioners relies upon the judgments of Hon'ble Supreme Court in *Dr. Arvind Barsaul etc. v. State of Madhya Pradesh and another*, (2008) 2 R.C.R. (Criminal) 910, *Deva Ram v. State of Rajasthan and another*, 2014(3) R.C.R.(Criminal) 854, judgments of this Court in *Sube Singh and another v. State of Haryana and another*, 2013(4) R.C.R.(Criminal) 102 (D.B.) *Rattan Singh and others v. State of Haryana and others*, CRM-M No.10664 of 2013 decided on 29.05.2013 and *Ram Phal Kaushik and another v. State of Haryana and another*, CRM-M-16994 of 2014 decided on 22.12.2014 and contends that this Court has unparalleled power to quash the criminal proceedings at any stage to secure the ends of justice and continuation of criminal proceedings would be an abuse of process of law.

Learned counsel for respondents No.1 and 2 contends that they appeared before the Appellate Court and suffered the statement admitting the factum of compromise. On instructions, learned counsel for respondents No.1 and 2 states that he has no objection if impugned complaint and judgment of conviction and order of sentence against the

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petitioners are quashed.

On 29.09.2014 parties were directed to appear before the Appellate Court/Additional Sessions Judge, Sirsa to get their statements recorded with regard to compromise/settlement and Appellate Court was directed to send the report along with copies of statements.

In pursuance of order dated 29.09.2014, learned Additional Sessions Judge, Sirsa, has submitted report dated 15.11.2014, which indicates that parties appeared before learned Additional Sessions Judge 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.

In view of above and keeping in view the law laid down by the Hon'ble Supreme Court in *Dr. Arvind Barsaul etc.* and *Deva Ram* (supra), judgments of this Court in *Sube Singh, Rattan Singh* and *Ram Phal Kaushik* (supra), 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. Moreover, parties are close relatives and they have buried their differences by way of compromise. The compromise would bring cordial atmosphere between them. 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

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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.

The present petition is allowed. Criminal complaint No.145-1 of 2004/2012 titled 'Subhcharanpal Kaur v. Gurdev Singh (deceased) and others', and judgment of conviction and order of sentence dated 22.02.2013 are quashed on the basis of compromise.

(Paramjeet Singh)
Judge

July 16, 2015
R.S.