

Crl. Misc. No. M-15306 of 2013

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

Crl. Misc. No. M-15306 of 2013

Date of decision: 30.04.2015

Sabbi and others

....Petitioners

Versus

State of Punjab 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: - Ms. Sunita Nambiar, Advocate, for
Mr. Sunil Agnihotri, Advocate, for the petitioners.
Mr. K.S. Sidhu, DAG, Punjab.
Mr. Vishal Munjal, Advocate, for respondents No.2 and 3.

PARAMJEET SINGH, J. (ORAL)

Learned counsel for the State submits that in the challan offence under Section 326 IPC has been added whereas in the petition this Section has not been shown. On the oral request of the learned counsel for the petitioners, it is directed that Section 326 IPC be also read in the headnote and prayer clause of the petition. Office to make necessary correction in the paper-book.

This petition has been filed by the petitioners under Section 482 of the Code of Criminal Procedure, seeking quashing of case FIR No.77 dated 26.07.2009 registered under Sections

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323/324/452/341/506/427/148/149 IPC (Section 326 IPC added later on) at Police Station Dasuya, District Hoshiarpur, along with all consequential proceedings arising therefrom, on the basis of compromise dated 04.04.2013 (Annexure P/2) between the parties.

On 09.05.2013 notice of motion was issued and parties were directed to appear before the trial Court/Illaqa Magistrate to get their statements recorded with regard to compromise/settlement and trial Court was directed to send the report.

In pursuance of order dated 09.05.2013, learned Sub-Divisional Judicial Magistrate, Dasuya, has submitted her report, which indicates that parties appeared before her 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 survives between the parties.

Consequently, in view of the compromise and keeping in view the law laid down by the Hon'ble Supreme Court in the case of ***Madan Mohan Abbot v. State of Punjab, 2008(2) RCR (Criminal) 429, Gian Singh v. State of Punjab and another, 2012(4) RCR (Criminal) 543, Narinder Singh and others v. State of Punjab and another, 2014(2) RCR (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

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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's*** case (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.

For the reasons stated above, the present petition is allowed. FIR No.77 dated 26.07.2009 registered under Sections 323/324/452/341/506/427/148/149 IPC (Section 326 IPC added later on) at Police Station Dasuya, District Hoshiarpur, along with all consequential proceedings arising out of it, on the basis of compromise, is quashed qua the parties to the compromise. If any victim of the incident feels aggrieved, he will be at liberty to proceed in accordance with law.

It is, further, 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.

(Paramjeet Singh)
Judge

April 30, 2015
R.S.