

Crl. Misc. No. M-14415 of 2015

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

Crl. Misc. No. M-14415 of 2015
Date of decision: 27.07.2015

Pawan Kumar and another

....Petitioners

Versus

State of Punjab and another

....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. Satbir Rathore, Advocate, for the petitioners.
Mr. D.S. Mann, AAG, Punjab.
Mr. Chander Kant Rana, Advocate, for respondent No.2.

PARAMJEET SINGH, J.

This petition has been filed by the petitioners under Section 482 of the Code of Criminal Procedure, seeking quashing of FIR No.275 dated 25.08.2001 registered under Sections 406, 420 IPC at Police Station Mohali, District Ropar (now SAS Nagar Mohali) and judgment of conviction and order of sentence dated 08.12.2012 passed by learned Judicial Magistrate Ist Class, SAS Nagar Mohali.

I need not dilate upon the facts of this case in detail as the same have already been recapitulated in the judgment of the trial Court. However, the relevant facts are that respondent No.2 got registered the FIR in question alleging that petitioners induced respondent No.2/complainant to part with Rs.6.00 lacs on the pretext of giving the

Crl. Misc. No. M-14415 of 2015

complainant four times money and in pursuance of that respondent No.2 entrusted Rs.6.00 lacs to the petitioners, however, no money was returned to respondent No.2 by the petitioners. On the basis of evidence, trial Court vide impugned judgment of conviction and order of sentence dated 08.12.2012 held petitioners guilty for the offences punishable under Sections 406, 420 IPC and convicted them to undergo rigorous imprisonment for two years. Aggrieved against the judgment of conviction and order of sentence, petitioners preferred appeal before learned Additional Sessions Judge, SAS Nagar (Mohali), which is still pending. During the pendency of appeal, parties have settled the matter. 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 known to each other. Learned counsel for the petitioners further contends that during the pendency of appeal with the intervention of the society, good sense prevailed upon the parties and they have amicably settled the matter to live with peace and harmony and as per compromise (Annexure P-3) respondent No.2/complainant shall receive the entire amount mentioned in the FIR from the police, which was taken by the police during investigation from the petitioners. Therefore, it would be in the interest of justice to quash the FIR as well as the impugned judgment of conviction and order of sentence. Learned counsel for the petitioners relies upon the judgment of Division Bench of

Crl. Misc. No. M-14415 of 2015

this Court in *Sube Singh and another v. State of Haryana and another*, 2013(4) R.C.R.(Criminal) 102 (D.B.) and contends that this Court has unparallel 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.2, on instructions, admits the factum of compromise and contends that he has no objection if impugned FIR and judgment of conviction and order of sentence against the petitioners are quashed.

In view of above and keeping in view the decision of this Court in *Sube Singh* (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. Parties 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 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. FIR No.275 dated 25.08.2001 registered under Sections 406, 420 IPC at Police Station Mohali, District

Crl. Misc. No. M-14415 of 2015

Ropar (now SAS Nagar Mohali) and judgment of conviction and order of sentence dated 08.12.2012 passed by learned Judicial Magistrate Ist Class, SAS Nagar Mohali are quashed on the basis of compromise.

(Paramjeet Singh)
Judge

July 27, 2015
R.S.