

In the High Court of Punjab and Haryana at Chandigarh

CRM M-15165 of 2015
Date of Decision: July 21, 2015

Charanjit Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Amardeep Singh Gill, Advocate,
for the petitioner.

Mr. S.S. Chandumajra, DAG, Punjab.

Mr. F.S. Virk, Advocate,
for respondent no.2.

Paramjeet Singh, J. (Oral)

Instant petition has been moved by the petitioners under Section 482 of the Code of Criminal Procedure, seeking quashing of case FIR No. 23, dated 17.02.2015, registered at Police Station Kartarpur, District Jalandhar City, under Sections 323, 324, 447, 34 of the Indian Penal Code (Section 326 IPC added later on), on the basis of compromise (Annexure P-2), alongwith all the subsequent proceedings arising therefrom.

Vide order dated 11.05.2015, notice of motion was issued and the parties were directed to appear before trial Court/Illaqa Magistrate to

get their statements recorded with regard to compromise and the trial Court/Illaq Magistrate was also directed to send the report.

In compliance of order dated 11.05.2015, learned trial Court has submitted its report vide letter dated 09.07.2015 which indicates that the parties appeared before it and got recorded their respective statements with regard to validity of compromise. As per the report, the compromise arrived at between the parties is genuine and without any pressure or coercion from any corner. Learned counsel for respondent no.2 states that now, no dispute survives between the parties.

Consequently, in view of compromise (Annexure P-2) 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 as

continuation of the criminal proceedings would amount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and in order to secure the ends of justice, therefore, it is appropriate that criminal case is put to an end.

In view of the above, the present petition is allowed. Consequently, FIR No. 23, dated 17.02.2015, registered at Police Station Kartarpur, District Jalandhar City, under Sections 323, 324, 447, 34 of the Indian Penal Code (Section 326 IPC added later on), is hereby quashed, on the basis of compromise (Annexure P-2), and all the criminal proceedings arising out of the said FIR 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.

July 21, 2015
vkd

[Paramjeet Singh]
Judge