

**CRM-M-164-2015 and
CRM-M-44457-2014**

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

Date of decision: 28.05.2015

1. CRM-M-164-2015

Goldy Multani and others

....Petitioner(s)

Versus

State of Punjab and another

....Respondent(s)

AND

2. CRM-M-44457-2014

Rajinder Kaur and others

....Petitioner(s)

Versus

State of Punjab and others

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Amit Verma, Advocate for
the petitioners in CRM-M-164-2015 and
for respondent Nos.2 and 3 in CRM-M-44457-2014.

Ms. Anuradha Oberoi, Advocate for
Ms. Upasana Dhawan, Advocate,
for the petitioners in CRM-M-44457-2014 and
for respondent No.2 in CRM-M-164-2015.

Mr. K.S.Sidhu, DAG, Punjab.

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PARAMJEET SINGH, J. (ORAL)

By this judgment, I intend to dispose of CRM-M-164-2015, titled 'Goldy Multani and others vs. State of Punjab and another' and CRM-M-44457-2014, titled 'Rajinder Kaur and others vs. State of Punjab and others', as in both these petitions, prayers have been made for quashing of FIR No.61 dated 29.03.2014, registered at Police Station Tanda, District Hoshiarpur, under Sections 452/323/354/506/427/148/149 of the Indian Penal Code and cross-case No.29(A) dated 31.03.2014, registered at Police Station Tanda, under Sections 452/341/148/149/120-B of the Indian Penal Code, arising out of the aforesaid FIR, respectively, on the basis of compromise dated 25.11.2014 (Annexure P-2 in CRM-M-164-2015 and Annexure P-3 in CRM-M-44457-2014), alongwith all the subsequent proceedings arising therefrom.

Vide orders dated 06.01.2015, notice of motion were issued and parties were directed to appear before trial Court to get their statements recorded with regard to compromise and the trial Court was directed to send the report.

In compliance of orders dated 06.01.2015, learned trial Court has submitted its report vide letters dated 12.03.2015 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

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pressure or coercion from any corner. Learned counsel for the parties state that now, no dispute survives between the parties.

Consequently, in view of compromise dated 25.11.2014 (Annexure P-2 in CRM-M-164-2015 and Annexure P-3 in CRM-M-44457-2014) 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.

Both the petitions are allowed. FIR No.61 dated 29.03.2014,

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registered at Police Station Tanda, District Hoshiarpur, under Sections 452/323/354/506/427/148/149 of the Indian Penal Code and cross-case No.29(A) dated 31.03.2014, registered at Police Station Tanda, under Sections 452/341/148/149/120-B of the Indian Penal Code, arising out of the aforesaid FIR, are hereby quashed, on the basis of compromise dated 25.11.2014 (Annexure P-2 in CRM-M-164-2015 and Annexure P-3 in CRM-M-44457-2014), 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.

28.05.2015
parveen kumar

(PARAMJEET SINGH)
JUDGE