

**CRM-M-1737-2015 and
CRM-M-2311-2015**

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

Date of Decision: 24.04.2015

1. CRM-M-1737 of 2015

Joginder Singh and ors.

....Petitioner(s)

Versus

State of Punjab and ors.

....Respondent(s)

AND

2. CRM-M-2311-2015

Amar Singh and ors.

....Petitioner(s)

Versus

State of Punjab and ors.

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. C.K. Singla, Advocate
for petitioners in CRM-M-1737 of 2015

None for petitioners in CRM-M-2311 of 2015

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

PARAMJEET SINGH, J. (ORAL)

By this judgment, I intend to dispose of CRM-M-1737 of 2015,
titled 'Joginder Singh and ors. Vs. State of Punjab and ors.' and CRM-M-2311
of 2015, titled 'Amar Singh and ors. Vs. State of Punjab and ors..' as in both

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these petitions, prayer has been made for quashing of FIR No.100 dated 09.05.2006 under Sections 323/336/506/34 IPC read with Section 25/27/54/59 Arms Act (Sections 324/326 IPC added lateron) registered at Police Station Sadar, Ludhiana and cross case registered vide report No.18 dated 09.05.2006 under Sections 323/324/341/506/34 IPC on the basis of compromise alongwith all the subsequent proceedings arising therefrom.

In CRM-M-1737 of 2015, on 26.03.2015 notice of motion was issued and parties were directed to appear before the trial Court and in CRM-M-2311 of 2015, on 02.02.2015 notice of motion was issued and parties were directed to appear before the trial Court on 18.02.2015 to get their statements recorded with regard to compromise and the trial Court was directed to send the report.

In compliance of orders dated 26.03.2015 and 02.02.2015, the trial Court has submitted separate reports vide letters dated 09.04.2015 and 24.02.2015 respectively, 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 pressure or coercion from any corner. Learned counsel for the petitioners state that no dispute is pending between the parties.

Learned counsel for the petitioner further state that the trial is still pending and till date, conviction has not been recorded by the Court.

Consequently, in view of compromise dated 26.02.2014 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)***

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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.100 dated 09.05.2006 under Sections 323/336/506/34 IPC read with Section 25/27/54/59 Arms Act (Sections 324/326 IPC added lateron) registered at Police Station Sadar, Ludhiana and cross case registered vide report No.18 dated 09.05.2006 under Sections 323/324/341/506/34 IPC are quashed on the basis of compromise dated 26.02.2014 in both the petitions and all the criminal proceedings arising out of the said FIR and cross case.

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.

24.04.2015
prince

(PARAMJEET SINGH)
JUDGE