

Crl. Misc. No. M-19500 of 2014

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

Crl. Misc. No. M-19500 of 2014

Date of decision: 10.03.2015

Harmeet Singh @ Meet and others

....Petitioners

Versus

State of Punjab and another

....Respondents

Crl. Misc. No. M-19220 of 2014 (O&M)

Harpreet Singh and others

....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. Baljit Singh, Advocate,
for the petitioners in CRM-M-19500 of 2014.
Mr. M.S. Bajwa, Advocate,
for the petitioners in CRM-M-19220 of 2014 and
for respondent No.2 in CRM-M-19500 of 2014.
Mr. B.S. Cheema, DAG, Punjab.

PARAMJEET SINGH, J. (ORAL)

This order shall dispose of CRM-M-19500 of 2014 titled 'Harmeet Singh @ Meet and others v. State of Punjab and another' and CRM-M-19220 of 2014 titled 'Harpreet Singh and others v. State of Punjab and another' as in these petitions prayer has been made for quashing DDR No.25 dated 03.09.2012 registered under Sections

Crl. Misc. No. M-19500 of 2014

324/148/149 IPC in case FIR No.75 dated 28.08.2012 registered under Sections 324/326/148/149 IPC at Police Station Tarsikka, District Amritsar, as well as FIR in question along with all the subsequent proceedings arising therefrom, on the basis of compromise dated 20.05.2014 (Annexure P-3 in both the petitions) between the parties.

Vide order dated 27.01.2015 parties were directed to appear before the Illaqa Magistrate on 10.02.2015 to get their statements recorded with regard to compromise/settlement and Illaqa Magistrate was directed to send the report.

In pursuance of the order dated 27.01.2015, learned Judicial Magistrate Ist Class, Baba Bakala Sahib (Amritsar), has submitted the report, which indicates that parties appeared before the learned Magistrate 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 Annexure P-3 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***

Crl. Misc. No. M-19500 of 2014

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'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.

The present petitions are allowed. DDR No.25 dated 03.09.2012 registered under Sections 324/148/149 IPC in case FIR No.75 dated 28.08.2012 registered under Sections 324/326/148/149 IPC at Police Station Tarsikka, District Amritsar, as well as FIR in question, along with all consequential proceedings arising out of it, on the basis of compromise, are 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.

(Paramjeet Singh)
Judge

March 10, 2015
R.S.