

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

CRM-M No.21459 of 2015

Date of decision: 10th September, 2015

Vimal Kumar @ Bimal

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. J.S. Brar, Asstt. Advocate General, Punjab
for respondent No.1.

None for respondents No.2 to 5.

FATEH DEEP SINGH, J.

In the present petition preferred under Section 482 Cr.P.C. seeking quashing of the criminal proceedings on the basis of compromise, the convict/petitioner Vimal Kumar @ Bimal was found guilty for commission of offence under Sections 279/337/304-A IPC and the Court of learned Sub Divisional Judicial Magistrate, Pathankot through judgment and order of sentence dated 25.07.2011 (Annexure P2) convicted and sentenced him as under:

u/s 279 IPC	RI for 6 months and fine of ₹500, in default of payment of fine RI for 1 month.
u/s 337 IPC	RI for 6 months and fine of ₹500, in default of payment of fine RI for 1 month.
u/s 304-A IPC	RI for 1 year and fine of ₹1,000; in default of payment of fine RI for 3 months.

The same has been challenged by the convict/petitioner by way of appeal which is pending before the first appellate Court of learned Additional Sessions Judge, Pathankot.

It is at this juncture, parties entered into a compromise in writing by way of Compromise Deed (Annexure P3). It was consequent thereupon the present jurisdiction was invoked by the petitioner/convict.

Report of the Court below was called for and learned Judicial Magistrate 1st Class, Pathankot through its report dated 14.08.2015 submits on the basis of statements of complainant Manjit Kumar and accused Vimal Kumar @ Bimal that the parties have amicably compromised the matter voluntarily, without any coercion, pressure or undue influence.

Heard Mr. Ritesh Pandey, Advocate for the petitioner and Mr.J.S. Brar, Asstt. Advocate General, Punjab on behalf of the State/respondent No.1.

Learned counsel representing the petitioner has placed on record a copy of the Award passed by the learned Motor Accident Claims Tribunal, Gurdaspur by way of MACT case No.160 of 2006 decided on 02.09.2009, whereby Babli Devi widow and Kartaro Devi

mother of the deceased have been duly compensated in monetary terms. He has further sought to place reliance upon a Division Bench view of this Court in '**Sube Singh and another v. State of Haryana and another**' reported in **2013(4) RCR (Criminal) 102** to impress upon this Court that the High Court is vested with unparalleled powers to quash criminal proceedings at any stage to secure the ends of justice even where after conviction an appeal is pending. Their Lordships in **Sube Singh's case** (ibid) held as under:

"The magnitude of inherent jurisdiction exercisable by the High Court under Section 482 Criminal Procedure Code with a view to prevent the abuse of law or to secure the ends of justice, however, is wide enough to include its power to quash the proceedings in relation to not only the non-compoundable offences notwithstanding the bar under Section 320 Criminal Procedure Code but such a power, in our considered view, is exercisable at any stage save that there is no express bar and invoking of such power is fully justified on facts and circumstances of the case."

Having regard to this position of law and that in similar other views reported in 2012(10) SCC 303 titled as '**Gian Singh v. State of Punjab and another**' and 2014(6) SCC 466 titled as '**Narinder Singh and others v. State of Punjab and another**', wherein the Hon'ble Apex Court has taken a very liberal approach as to quashment of proceedings and had emphasized that quashment of such proceedings depends upon the facts and circumstances of each case and has attached primacy where such a quashment by way of

compromise is essential to secure the ends of justice or to prevent abuse of the process of any Court and it is only in cases which are of very heinous or serious nature like murder, rape, dacoity or corruption etc. the courts should not come to the aid and rescue of a petitioner.

In the present case, being a pure accidental death, the complainant as well as the accused have decided to bury the hatchet. Thus, this compromise to the mind of this Court would go a long way in putting an end to this hostility and would otherwise be conducive for the future life of the parties to this compromise. In view thereof and in the light of compensation awarded to the family of the deceased, the Court taking a holistic and pragmatic approach feels it essential and in the interest of justice to allow the prayer made in this petition. Thus, FIR No.192 dated 21.10.2006 (Annexure P1) registered at Police Station Sadar Pathankot, District Gurdaspur under Sections 304-A/279/427/337/338 IPC along with judgment of conviction dated 25.07.2011 (Annexure P2) passed by learned Sub Divisional Judicial Magistrate, Pathankot and all consequences arising thereof qua the present petitioner are hereby quashed.

The petition stands allowed in those terms.

(FATEH DEEP SINGH)
JUDGE

September 10, 2015
rps