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

**CRM-M No.22444 of 2014
Date of Decision: 06.04.2015**

DIDAR SINGH & ORS

.....Petitioners

Vs

STATE OF PUNJAB & ORS

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Vipin Mahajan, Advocate
for the petitioners.

Mr. Varun Sharma, A.A.G., Punjab.

Mr. Randeep Singh, Advocate for
Mr. Mohit Jaggi, Advocate
for respondents No.2 to 5.

1. ***Whether Reporters of 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?***

RAJ MOHAN SINGH, J. (Oral)

Prayer in this petition is for quashing of Criminal Complaint No.127 dated 11.10.2005 titled as Sunita Kumari vs. Didar Singh etc., under Sections 452, 323, 324, 325, 506, 379, 148, 149 IPC, along with all subsequent proceedings arising therefrom including the judgment dated 06.04.2013 passed by Judicial Magistrate Ist Class, Gurdaspur, on the basis of compromise.

This Court vide order dated 22.08.2014 directed the parties to appear before the Lower Appellate Court on 12.09.2014 for

recording their statements on the factum of compromise. The Lower Appellate court was also directed to record the statements of the parties to its satisfaction and report regarding genuineness of the compromise in question.

In pursuance to the aforesaid order, both the parties appeared before the Lower Appellate Court and got their statements recorded on 12.09.2014. The Lower Appellate Court also recorded its satisfaction vide report dated 19.09.2014, endorsing that the parties have effected compromise voluntarily and with their free will and consent. There is no element of pressure or coercion.

In this case trial Court convicted the accused and matter is sub-judice before the Appellate Court. It is at this stage that parties have amicably resolved their differences.

This Court is of the opinion that offence is private in nature and not against the whole society. Appeal against conviction is pending. In **2013(2) RCR (Crl.) 102, Sube Singh & Another v. State of Haryana and Another**, this Court held that magnitude of inherent powers is wide enough to cover proceedings in appeal also so as to prevent abuse of law and to achieve ends of justice. The compromise would facilitate both the parties to live in peace and to maintain public tranquility and offence in question is personal in nature and does not involve any heinous and serious offence of any mental depravity, nor it involves any offence covered under Prevention of Corruption Act. Therefore, when parties have resolved

their differences, continuation of criminal proceedings would put the accused to oppression and prejudice. In such a situation the exercise of power to quash the proceedings would be in consonance with the provisions of law to meet ends of justice and to prevent unnecessary continuation of proceedings which may ultimately result in some unnecessary vagaries of criminal trial/appeal.

The State on notice, however, object to the aforesaid course, but in order to prevent unnecessary continuation of criminal proceedings on the ground that both the parties have settled their dispute of private nature, this Court is of the opinion that it would be in fitness of things to quash the proceedings on the basis of compromise.

Resultantly, Criminal Complaint No.127 dated 11.10.2005 titled as Sunita Kumari vs. Didar Singh etc., under Sections 452, 323, 324, 325, 506, 379, 148, 149 IPC, along with all subsequent proceedings arising therefrom including the judgment dated 06.04.2013 passed by Judicial Magistrate Ist Class, Gurdaspur, are quashed.

April 06, 2015
Atik

(RAJ MOHAN SINGH)
JUDGE