IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1. Crl. Misc. No. M-2259-2015

Jaswant Singh and others ..Petitioners

VS.

State of Punjab and others ..Respondents

2. **Crl. Misc. No. M-1385-2015**
Date of decision:03.08.2015

Krishan Singh and others .. Petitioners

vs.

State of Punjab and others .. Respondents

Coram: Hon'ble Mr. Justice Mahesh Grover

Present: Mr. Tarun Singla, Advocate
for petitioners in CRM-M-1385-2015 and
respondents in CRM-M-2259-2015.
Mr. A.K.Khunger, Advocate
for the petitioners in CRM-M-2259-2015
and respondents in CRM-M-1385-2015.
Mr. R.S.Randhawa, Addl. A. G. Punjab.
***

Mahesh Grover, J

Since both the abovesaid petitions arise from the same FIR, therefore, these are being decided by this common order.

In petition bearing No. CRM-M-2259-2015, the petitioners have prayed for quashing of case FIR No. 215 dated 30.06.2007 registered at Police Station Sadar, Fazilka, District Fazilka, under Sections 452, 323, 148 and 149 IPC (Annexure P/1) and all consequential proceedings arising therefrom whereas in petition No. CRM-M-1385-2015, the petitioners have prayed for quashing of cross version which was registered against the petitioners in the abovesaid FIR No. 215 dated 30.06.2007 registered at

MAMTA
2015.08.06 13:23
I attest to the accuracy and
integrity of this document

Police Station Sadar, Fazilka, District Fazilka. Both the parties have alleged that they have compromised the mater.

On 23.01.2015, in both the cases, this Court had directed the learned Appellate Court to record the statements of all the affected persons and further record a finding as to whether the compromise has been effected voluntarily by the parties and a report in this regard was also called for.

Those reports have since been received along with copies of the statements of the affected persons which also indicate that the matter has been resolved amicably between the parties without any pressure from any quarter.

I**n <u>Dr. Arvind Barsaul etc. v. State of Madhya Pradesh and another, 2008 (2) R.C.R. (Cr.) 910</u>,** Hon'ble Supreme Court has held that proceedings after conviction can be quashed.

In **<u>Sube Singh and another v. State of Haryana and another, 2013 (4) R.C.R. (Cr.) 102</u>**, wherein it has been held as under:-

> " In the light of these peculiar facts and circumstances where not only the parties but their close relatives (including daughter and son-in-law of respondent No.2) have also supported the amicable settlement, we are of the considered view that the negation of the compromise would disharmonize the relationship and cause a permanent rift amongst the family members who are living together as a joint family. Non-acceptance of the compromise would also lead to denial of complete justice which is the very essence of our justice delivery system. Since there is no statutory embargo against invoking of

MAMTA
2015.08.06 13:23
I attest to the accuracy and
integrity of this document

power under Section 482 Criminal Procedure Code after conviction of an accused by the trial Court and during pendency of appeal against such conviction, it appears to be a fit case to invoke the inherent jurisdiction and strike down the proceedings subject to certain safeguards."

In **Satya Narain v. State of Haryana, 2009 (3) R.C.R. (Cr.) 97 and Lal Chand v. The State of Haryana, 2009 (5) R.C.R. (Cr.) 838,** it has been held that High Court is vested with unparallel power to quash criminal proceedings at any stage to secure ends of justice. The parties have buried their hatchet, though at a belated stage, it was held, that if compromise is accepted and proceedings are quashed, it will go a long way, to create better relations between the parties. Therefore, it was observed that it is a fit case for quashing of FIR, wherein conviction and sentence recorded by the trial Court.

The Hon'ble Supreme Court in **Gian Singh v. State of Punjab and another, 2012 (4) RCR (Crl.) 543**, has held that the inherent jurisdiction of this Court under Section 482 Cr.P.C. can be exercised to quash the proceedings in respect of criminal cases arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personnel in nature and the parties have resolved their entire dispute even though they are not compoundable.

Having regard to the aforesaid and the observations made by the Full Bench of this Court in **Kulwinder Singh v. State of Punjab reported as 2007(3) Law Herald 2225** and of Hon'ble Supreme Court in

MAMTA
2015.08.06 13:23
I attest to the accuracy and
integrity of this document

Gian Singh's case (supra), instant petitions are accepted. Consequently, FIR No. 215 dated 30.06.2007 registered at Police Station Sadar, Fazilka, District Fazilka, under Sections 452, 323, 148 and 149 IPC (Annexure P/1) and cross version registered in the above numbered FIR alongwith all consequential proceedings arising therefrom qua the petitioners in both the cases are hereby quashed.

03.08.2015 **(Mahesh Grover)**
mamta **Judge**

MAMTA
2015.08.06 13:23
I attest to the accuracy and
integrity of this document