

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

CRM-M No.23618 of 2015

Date of decision: 6th October, 2015

Jasbir Singh and others

... Petitioners

Versus

State of Haryana and another

... 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: None for the petitioners.

Mr. Deepak Sabharwal, Addl. Advocate General, Haryana
for respondent No.1.

Mr. J.S. Dahiya, Advocate
for respondent No.2.

FATEH DEEP SINGH, J. (ORAL)

In the present petition preferred under Section 482 Cr.P.C., the convict/petitioners, who were tried in a criminal case bearing FIR No.5 dated 08.01.2012 (Annexure P1) registered at Police Station Madlauda, District Panipat under Sections 406/498A/506 IPC on the complaint of present respondent No.2 Rekha, were found guilty for commission of offences under Sections 498A/406 IPC and the Court of learned Judicial Magistrate 1st Class, Panipat through judgment of conviction and order of sentence dated 03.11.2014

(Annexure P2) convicted and sentenced Jaibir Singh to undergo rigorous imprisonment for 3 years and to pay a fine of 500 separately on both counts under Sections 498-A & 406 IPC, whereas petitioners Rajender Singh and Vedo were sentenced to undergo rigorous imprisonment for 2 years and to pay a fine of 500 each separately on both counts under Sections 498-A & 406 IPC.

It is at this juncture, parties entered into a compromise in writing. It was consequent thereupon the present jurisdiction was invoked by the convict/petitioners.

Report of the Court below was called for and the learned Additional District & Sessions Judge, Panipat through report dated 12.08.2015 submits on the basis of statements of the parties that the parties have amicably compromised the matter voluntarily, without any coercion, pressure or undue influence, whereby the complainant has shown her resolve to put an end to this squabble.

Heard Mr. Deepak Sabharwal, Addl. Advocate General, Haryana representing the State/respondent No.1 and Mr. J.S. Dahiya, Advocate on behalf of respondent No.2.

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** has laid down that the High Court is vested with unparallel powers to quash criminal proceedings at any stage to secure the ends of justice even when after conviction 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 matrimonial dispute parties after compromise have decided to live together as husband and wife. Thus, this compromise to the mind of this Court would go a long way in ironing out differences and would otherwise be conducive

for the future life of the parties. Therefore, the prayer made in the petition is allowed and FIR No.5 dated 08.01.2012 (Annexure P1) registered at Police Station Madlauda, District Panipat under Sections 406/498A/506 IPC along with judgment of conviction dated 03.11.2014 (Annexure P2) passed by learned Judicial Magistrate 1st Class, Panipat and all consequences arising thereof are hereby quashed.

The petition stands allowed in those terms.

(FATEH DEEP SINGH)
JUDGE

October 6, 2015
rps