

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

CRM-M No.25551 of 2015

Date of decision: 3rd November, 2015

Chhinder Singh @ Shinder Pal Singh and others

... Petitioners

Versus

State of Punjab 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: Mr. Parvesh Sachdeva, Advocate
for the petitioners.

Mr. Gurveer Sidhu, Asstt. Advocate General, Punjab
for respondent No.1.

Mr. Lajpat Sharma, Advocate
for respondent No.2.

FATEH DEEP SINGH, J. (ORAL)

The convict/petitioners were tried in a criminal case bearing FIR No.222 dated 23.06.2008 registered at Police Station Sadar Fazilka under Sections 326/325/324/323/34 IPC (Annexure P1) on the complaint of present respondent No.2 Aroor Singh and the Court of learned Judicial Magistrate 1st Class, Fazilka through judgment dated 24.02.2015 convicted them for commission of

offences punishable under Sections 326/325/324/323/34 IPC and vide a separate order of even date, sentenced them as under:

Section	Sentence
326/34 IPC	RI for 3 years and a fine of ₹4,000 each, and in default of payment of fine to further undergo RI for 6 months.
325/34 IPC	RI for 3 years and a fine of ₹3,000 each, and in default of payment of fine to further undergo RI for 6 months.
324/34 IPC	RI for 1 year and a fine of ₹1,000 each, and in default of payment of fine to further undergo RI for 3 months.
323/34 IPC	RI for 6 months and a fine of ₹500 each, and in default of payment of fine to further undergo RI for 2 months.

The same was challenged by the convict/petitioners by way of two separate appeals which are still pending before the first appellate Court of learned Additional Sessions Judge, Fazilka.

It is at this juncture, parties entered into a compromise in writing and it was consequent thereupon the present jurisdiction under Section 482 Cr.P.C. was invoked by the petitioners.

Report of the Court below was called for and the learned Judicial Magistrate 1st Class, Fazilka through its report dated 04.09.2015 on the basis of statements of complainant Aroor Singh and the accused persons namely, Chhinder Singh alias Shinder Pal Singh, Budh Parkash and Bachan Singh, submits that the parties have amicably compromised the matter and have made statements voluntarily, without any coercion, pressure or undue influence.

Heard Mr. Parvesh Sachdeva, Advocate for the petitioners; Mr. Gurveer Sidhu, Asstt. Advocate General, Punjab representing the State/respondent No.1 as well as Mr. Lajpat Sharma, Advocate on behalf of respondent No.2.

Learned counsel for the petitioners has 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 unparallel 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 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' and the fact that it is a case of version and cross-version, this 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.222 dated 23.06.2008 registered at Police Station Sadar Fazilka under Sections 326/325/324/323/34 IPC (Annexure P1) along with judgment of conviction dated 24.02.2015 (Annexure P2) passed by learned Judicial Magistrate 1st Class, Fazilka and all consequences arising thereof are hereby quashed.

The petition stands allowed in those terms.

**(FATEH DEEP SINGH)
JUDGE**

November 3, 2015
rps