

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

1)

**CRM-M-26268 of 2014
Decided on : 16.01.2015**

Kulwant Singh and others

...Petitioners

versus

State of Punjab and others

...Respondents

2)

**CRM-16723 of 2014 in/and
CRA-S-2341-SB of 2014
Decided on : 16.01.2015**

Kulwant Singh and others

...Appellants

versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. N.K. Vadehra, Advocate
for the petitioners.

Ms. Amarjit Kaur Khurana, Addl. AG, Punjab.

Mr. Ramandeep Singh, Advocate
for respondents No.2 to 4 (in CRM-M-26268 of 2014).

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?

AJAY TEWARI, J.(ORAL)

These are two cases viz. one petition for quashing the cross-case and an appeal for setting aside the conviction in the said case.

The petition bearing No.*CRM-M-26268 of 2014* has been filed for quashing/setting aside the cross case under Section 323,

324, 34 IPC dated 18.03.2006 in First Information Report No.25 dated 18.03.2006 under Sections 325, 323, 34 of the Indian Penal Code registered at Police Station Kahnuwan, District Gurdaspur and all the subsequent proceedings arising out of the cross case and Criminal Complaint No.229 of 02.05.2006 under Sections 308, 379. 326, 323, 450, 148, 149 IPC and all subsequent proceedings arising therefrom, on the basis of compromise.

The appeal bearing No.*CRA-S-2341-SB of 2014* has been filed for setting aside the judgment dated 09.05.2014 passed by the Learned Additional Sessions Judge, Gurdaspur vide which, the present appellants have been convicted in case FIR No.25 dated 19.03.2006 under Sections 308, 326, 323, 148, 149 IPC, Police Station Kahnuwan, District Gurdaspur for three years.

In a connected case bearing CRM No.19300 of 2014 in/and *CRA-S-2342-SB of 2014*, on 21st August, 2014 the following order was passed:-

“This is an application for compounding of offence on the basis of compromise.

The parties are directed to appear before the trial Court on 1.9.2014 for getting their statements recorded with regard to the compromise. The trial Magistrate shall submit the report on or before the next date of hearing. The report be forwarded to the Court below specifying the following:-

- 1. The number of accused arrayed in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntarily and out of free will of the parties.*

Report of the trial Court is awaited for 22.9.2014”.

Thereafter, the report of Additional Sessions Judge, Gurdaspur dated 10.09.2014 has been received whereby he had mentioned that the parties had appeared before him and had attested to the fact that a compromise had indeed taken place between them and that the compromise had been executed voluntarily and without any pressure. He has further intimated that no other litigation is pending between the accused and the complainant.

Learned counsel for the petitioners has relied upon the judgment passed by this Court in case of "Sube Singh and another vs. State of Haryana and another, 2013(4) RCR(Criminal) 102", wherein it has been held that where the offences are private in nature and not against the whole society the High Court is empowered to compound offences and that the High Court is vested with unparalleled power to quash criminal proceedings at any stage to secure ends of justice.

Learned Additional A.G. is not in a position to counter this argument.

Consequently, the petition and appeal are allowed. The aforesaid cross-case along with all consequential proceedings arising therefrom are quashed qua the appellants, the offences are compounded. The judgment of conviction and the order of the sentence are set aside.

16.01.2015
m. sharma

(AJAY TEWARI)
JUDGE