

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

**Criminal Misc. No. M-28688 of 2015
Date of Decision: 30.09.2015**

Sukhdarshan Singh & another

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. A.S. Dhaliwal, Advocate
for the petitioner (s).

Mr. Gurinderjit Singh, DAG, Punjab.

Mr. Jasjeet Singh, Advocate
for respondent no.2.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.39 dated 7.6.2007 under Sections 452, 325, 323 read with Section 34 IPC registered at Police Station Badhni Kalan, District Moga (Annexure P-1) and subsequent proceedings arising therefrom, including the judgment dated 16.1.2015, vide which, the petitioners have been convicted by the trial Court for offence under Sections 452, 323, 34 IPC and have been sentenced to undergo RI for a maximum period of two years and to pay

maximum fine of Rs.1,000/-, on the basis of compromise dated 3.6.2015 (Annexure P-3).

Learned counsel for the petitioners contends that against the judgment of conviction and sentence dated 16.1.2015, the petitioners have preferred appeals which are pending before learned Additional Sessions Judge, Moga. However, during the pendency of the appeals, the matter has been compromised between the parties.

This Court vide order dated 27.8.2015 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded with regard to the compromise dated 3.6.2015 (Annexure P3) and the Illaqa Magistrate/trial Court was directed to submit its report.

Pursuant to the aforesaid order dated 27.8.2015, the parties have appeared before Sub Divisional Judicial Magistrate, Nihal Singh Wala and have got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 9.9.2015 to the effect that the compromise in question is genuine, voluntary and without any coercion or undue influence. The statement of the complainant-Gurmail Singh reads as under:-

“That present case was registered on the basis of my statement against accused Sukhdarshan Singh, Karamjit Singh and accused Bikkar Singh (since died). Now matter has been amicably settled with the accused persons with the intervention of village panchayat and

respectables of village, without any pressure or coercion, with my free consent. Regarding this a compromise deed has also written on 03.06.2015 and I admit the genuineness of the said compromise. I have no objection if said FIR is quashed against the accused persons.”

RO&AC
Sd/- (Gurmail Singh)

Sd/-
SDJM, Nihal Singh Wala,
Dt. 07.09.2015”

Learned counsel for the complainant-respondent no.2 admits the factum of compromise and has no objection to the FIR being quashed.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. No useful purpose would be served to continue with the proceedings in the instant FIR, especially when this case does not fall within the category of exceptional cases where this Court should not exercise its inherent jurisdictional power to quash the criminal proceedings. In the facts and circumstances of this case, it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of the criminal proceedings would amount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and to secure the ends of justice, therefore, it is appropriate that criminal case is put to an end.

Accordingly, following the principles laid down by the Full

Bench judgment of this Court in **Kulwinder Singh and others v.**

State of Punjab and another, 2007 (3) RCR (Criminal) 1052 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303** as also the judgment of this Court in the case of **Balkar Singh & ors v. State of Haryana & ors. CRM-M-26011 of 2014 dated 11.9.2014**, this petition is allowed and FIR No.39 dated 7.6.2007 under Sections 452, 325, 323 read with Section 34 IPC registered at Police Station Badhni Kalan, District Moga (Annexure P-1) and subsequent proceedings arising therefrom are quashed, *qua* the petitioners, in view of compromise dated 3.6.2015 (Annexure P-3).

Resultantly, the judgment of conviction/sentence dated 16.1.2015 rendered by the trial Court in the said FIR case is set aside. As a necessary consequence, the appeal preferred by the petitioners against the above-mentioned judgment of conviction and order of sentence would be rendered infructuous and shall be so declared by the appellate Court.

September 30, 2015
AK

(**HARI PAL VERMA**)
JUDGE