

**CRM-M-29331-2014 and
CRM-M-8498-2015**

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

Date of Decision: 07.05.2015

1. CRM-M-29331-2014

Harnek Singh

... Petitioner(s)

Versus

State of Punjab and another

... Respondent(s)

AND

2. CRM-M-8498-2015

Ramesh Kumar

... Petitioner(s)

Versus

State of Punjab and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the 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 ?

Present: Mr. Rajesh Pal, Advocate,
for the petitioners in both the petitions.

Mr. K.S.Sidhu, DAG, Haryana.

Mr. B.R.Rana, Advocate,
for the complainant in both the petitions.

Paramjeet Singh, J. (Oral)

This order shall dispose of CRM-M-29331-2014, titled

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'Harnek Singh vs. State of Punjab and another' and CRM-M-8498-2015, titled 'Ramesh Kumar vs. State of Punjab and another', as common questions of fact and law are involved in all both these petitions.

These petitions have been moved by the petitioners under Section 482 of the Code of Criminal Procedure, seeking quashing of case FIR No.162 dated 30.06.2013, registered at Police Station Phase-I, District S.A.S.Nagar, under Sections 420 and 120-B of the Indian Penal Code, on the basis of compromise (Annexure P-2 in CRM-M-29331-2014) and compromise (Annexure P-1 in CRM-M-8498-2015), alongwith all the subsequent proceedings arising therefrom.

Vide orders dated 27.08.2014 and 27.03.2015 passed in CRM-M-29331-2014 and CRM-M-8498-2015, respectively, parties were directed to appear before the Chief Judicial Magistrate/trial Court/Illaq Magistrate to get their statements recorded regarding the veracity of the compromise and Chief Judicial Magistrate/trial Court/Illaq Magistrate was directed to send the report.

In compliance of orders dated 27.08.2014 and 27.03.2015, reports have been sent which indicate that parties appeared before the Chief Judicial Magistrate, Mohali, and got recorded their respective statements with regard to validity of compromise. As per the report, compromise arrived at between the parties is genuine and without any pressure or coercion from any corner. Learned counsel for the parties

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state that now, no dispute survives between the parties.

Consequently, in view of compromise (Annexure P-2 in CRM-M-29331-2014) and compromise (Annexure P-1 in CRM-M-8498-2015) and keeping in view the law laid down by the Hon'ble Apex Court in the case of *Madan Mohan Abbot vs. State of Punjab, 2008(2) RCR (Criminal) 429*, *Gian Singh vs. State of Punjab and another, 2012(4) R.C.R.(Criminal) 543*, *Narinder Singh and others vs. State of Punjab and another, 2014(2) R.C.R.(Criminal) 482* and Full Bench judgment of this Court in the case of *Kulwinder Singh and others vs. State of Punjab and another, 2007(3) RCR (Crl.) 1052*, no useful purpose would be served in prolonging the litigation, 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, as held in **Gian Singh (supra)** and **Narinder Singh and others (supra)**. 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.

Both the petitions are allowed. FIR No.162 dated 30.06.2013, registered at Police Station Phase-I, District S.A.S.Nagar, under Sections 420 and 120-B of the Indian Penal Code, on the basis of compromise

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(Annexure P-2 in CRM-M-29331-2014) and compromise (Annexure P-1 in CRM-M-8498-2015) and all the criminal proceedings arising out of the said FIR also stand quashed.

It is, however, made clear that if the proceedings already stand concluded and conviction recorded in the present case, this order shall be treated non est and, thus, will have no bearing on the conviction and sentence order.

07.05.2015
parveen kumar

(PARAMJEET SINGH)
JUDGE