

**CRM-M-30517-2014and
CRM-M-30605-2014**

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

Date of Decision: 06.04.2015

1. CRM-M-30517-2014

Shiv Charan and others

....Petitioner(s)

Versus

State of Punjab and others

....Respondent(s)

AND

2. CRM-M-30605-2014

Kulwant and others

....Petitioner(s)

Versus

State of Punjab and another

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. I.S. Dhaliwal, Advocate,
for the petitioners in CRM-M-30517-2014and
for respondent no.2 in CRM-M-30605-2014.

Mr. N.S. Dandiwal, Advocate,
for the petitioners in CRM-M-30605-2014 and
for respondents no.2 and 3 in CRM-M-30517 of 2014.

Mr. B.S.Cheema, DAG, Punjab.

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PARAMJEET SINGH, J. (ORAL)

By this judgment, I intend to dispose of CRM-M-30517-2014, titled 'Shiv Charan and others vs. State of Punjab and others' and CRM-M-30605-2014, titled 'Kulwant Singh and ors vs. State of Punjab and another'. Prayer in CRM-M-30517 of 2014 is for quashing of FIR No.78 dated 03.06.2011 registered at Police Station City South Moga, under Sections 452/323, 148, 149 of IPC and prayer in CRM-M-30605 of 2015 is for quashing cross case DDR No.18 dated 03.06.2011 arising in the aforesaid FIR, on the basis of compromise dated 14.03.2014 , alongwith all the subsequent proceedings arising therefrom.

Vide separate order dated 09.12.2014, passed in both cases parties were directed to appear before the trial Court to get their statements recorded with regard to compromise and the trial Court was directed to send the report.

In compliance of order dated 09.12.2014, the trial Court has submitted separate reports vide letter dated 16.02.2015 in both cases which indicate that parties appeared before it 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. Now no dispute is pending between the parties.

Learned counsel for the parties state that the trial is still pending and till date, conviction has not been recorded by the Court.

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Consequently, in view of compromise dated 14.03.2014 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. 78 dated 03.06.2011 registered at Police Station City South Moga, under Sections 452/323, 148, 149 of IPC and cross case DDR No.18 dated 03.06.2011 arising from the aforesaid FIR , are hereby quashed on the basis of compromise dated dated 14.03.2014 and all the criminal proceedings arising out of

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the said FIR and cross-case also stand quashed.

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

06.04.2015
prince

(PARAMJEET SINGH)
JUDGE