

CRM-M-34615-2014

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

Date of Decision: 09.03.2015

1. CRM-M-34615-2014

Kamaljit Singh and others

....Petitioner(s)

Versus

State of Punjab and others

....Respondent(s)

AND

2. CRM-M-34592-2014

Avtar Singh and others

....Petitioner(s)

Versus

State of Punjab and another

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Rajeev K. Kapila, Advocate,
for the petitioners in CRM-M-34615-2014 and
for respondent no.2 in CRM-M-34592-2014.

Ms. Bandana Gogra, Advocate,
for the petitioners in CRM-M-34592-2014 and
for respondents no.2 and 3 in CRM-M-34615-2014.

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

CRM-M-34615-2014

PARAMJEET SINGH, J. (ORAL)

By this judgment, I intend to dispose of CRM-M-34615-2014, titled 'Kamaljit Singh and others vs. State of Punjab and others' and CRM-M-34592-2014, titled 'Avtar Singh and others vs. State of Punjab and another' as in both these petitions, prayers have been made for quashing of FIR No.105 dated 10.11.2013, registered at Police Station Kahnuwan, District Gurdaspur, under Sections 323, 324, 325, 148, 149 of IPC and Section 326 IPC (added subsequently) and cross-case dated 10.11.2013 arising out of the aforesaid FIR, respectively, on the basis of compromise (Annexure P-3 in both the petitions), alongwith all the subsequent proceedings arising therefrom.

Vide order dated 17.11.2014, parties were directed to appear before the Illaqa Magistrate on 10.01.2015 to get their statements recorded with regard to compromise and the trial Court was directed to send the report.

In compliance of order dated 17.11.2014, the Illaqa Magistrate has submitted the report vide letter dated 24.02.2015 which indicates 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.

CRM-M-34615-2014

Consequently, in view of compromise (Annexure P-3 in both the petitions) and affidavits (Annexure P-4) of respondents no.2 and 3 in CRM-M-34615-2014 and affidavit (Annexure P-4) of respondent no.2 in CRM-M-34592-2014 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.105 dated 10.11.2013, registered at Police Station Kahnuwan, District Gurdaspur, under Sections 323, 324, 325, 148, 149 of IPC and Section 326 IPC (added

CRM-M-34615-2014

subsequently) and cross-case dated 10.11.2013 arising out of the aforesaid FIR are hereby quashed, on the basis of compromise dated compromise (Annexure P-3 in both the petitions) and affidavits (Annexure P-4) of respondents no.2 and 3 in CRM-M-34615-2014 and affidavit (Annexure P-4) of respondent no.2 in CRM-M-34592-2014, and all the criminal proceedings arising out of the said FIR and cross-version 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.

09.03.2015
parveen kumar

(PARAMJEET SINGH)
JUDGE