

**CRM-M-3690-2015 and
CRM-M-3740-2015**

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

Date of Decision: 26.03.2015

1. CRM-M-3690-2015

Sarabjeet Singh and others

....Petitioner(s)

Versus

State of Punjab and others

....Respondent(s)

AND

2. CRM-M-3740-2015

Piara Singh and others

....Petitioner(s)

Versus

State of Punjab and another

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Sanjeev Kumar Bawa, Advocate,
for the petitioners in CRM-M-3690-2015 and
for respondent no.2 in CRM-M-3740-2015.

Mr. Mukesh Kumar Bhatnagar, Advocate,
for the petitioners in CRM-M-3740-2015 and
for respondents no.2 and 3 in CRM-M-3690-2015.

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

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PARAMJEET SINGH, J. (ORAL)

By this judgment, I intend to dispose of CRM-M-3690-2015, titled 'Sarabjeet Singh and others vs. State of Punjab and others' and CRM-M-3740-2015, titled 'Piara Singh and others vs. State of Punjab and another' as in both these petitions, prayer have been made for quashing of FIR No.63 dated 29.07.2013 registered at Police Station Nurmahal, Distt. Jalandhar, under Sections 323, 324, 34 of IPC and cross case arising from the aforesaid FIR, on the basis of compromise dated 22.10.2014 (Annexure P-3 in both the petitions), alongwith all the subsequent proceedings arising therefrom.

Vide order dated 24.02.2015, parties were directed to appear before the trial Court on 09.03.2015 to get their statements recorded with regard to compromise and the trial Court was directed to send the report.

In compliance of order dated 24.02.2015, the trial Court has submitted separate reports vide letter dated 13.03.2015 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.

Consequently, in view of compromise dated 22.10.2014

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(Annexure P-3 in both the petitions) 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.63 dated 29.07.2013 registered at Police Station Nurmahal, Distt. Jalandhar, under Sections 323, 324, 34 of IPC and cross case arising from the aforesaid FIR, are hereby quashed on the basis of compromise dated 22.10.2014 (Annexure P-3 in both the petitions) and all the criminal proceedings

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arising out of the said FIR and cross-version also stands 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.

26.03.2015
prince

(PARAMJEET SINGH)
JUDGE