

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

CRM-M-37711-2014
Date of decision: 27.03.2015

Vipan Aggarwal

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Gaurav Tangri, Advocate,
for the petitioner.

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

Mr.Ashish K.Gupta, Advocate
for respondent No.2.

PARAMJEET SINGH, J. (ORAL)

This petition has been moved by the petitioner under Section 482 of the Code of Criminal Procedure, seeking quashing of case FIR No. 148 dated 20.09.2014 under Sections 420/406 of the Indian Penal Code, registered at Police Station Division No.3, Jalandhar on the basis of compromise dated 25.09.2014 (Annexure P-2) and affidavit dated 25.09.2014 (Annexure P-3) of respondent No.2-Surjit Singh, alongwith all the subsequent proceedings arising therefrom.

Vide order dated 05.09.2014, notice of motion was issued and parties were directed to appear before trial Court on 27.01.2015 to get their statements recorded with regard to compromise and the trial Court was directed to send the report.

In compliance of order dated 15.01.2015, learned trial Court has submitted its report vide letter dated 25.03.2015 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. Learned counsel for the parties state that now no dispute is pending between the parties.

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

Consequently, in view of compromise dated 25.09.2014 (Annexure P-2) and affidavit dated 25.09.2014 (Annexure P-3) of respondent No.2-Surjit Singh 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.

The present petition is allowed. FIR No. 148 dated 20.09.2014 under Sections 420/406 of the Indian Penal Code, registered at Police Station Division No.3, Jalandhar is hereby quashed, on the basis of compromise dated 25.09.2014 (Annexure P-2) and affidavit dated 25.09.2014 (Annexure P-3) of respondent No.2-Surjit Singh, 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.

(PARAMJEET SINGH)
JUDGE

March 27, 2015
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