

CRM-M-39373-2014

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

Date of Decision: 18.05.2015

1. CRM-M-39373-2014

Sukhbir Singh and others

....Petitioner(s)

Versus

State of Punjab and others

....Respondent(s)

AND

2. CRM-M-39298-2014

Kuldip Singh @ Pappu and others

....Petitioner(s)

Versus

State of Punjab and another

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Umesh Narang, Advocate for
the petitioners in CRM-M-39373-2014 and
for respondent No.2 in CRM-M-39298-2014.

Mr. B.S.Baath, Advocate for
the petitioners in CRM-M-39298-2014 and
for respondent Nos.2 to 4 in CRM-M-39373-2014.

Mr. S.S.Chandumajra, DAG, Punjab.

CRM-M-39373-2014

PARAMJEET SINGH, J. (ORAL)

By this judgment, I intend to dispose of CRM-M-39373-2014, titled 'Sukhbir Singh and others vs. State of Punjab and others', and CRM-M-39298-2014, titled 'Kuldip Singh @ Pappu and others vs. State of Punjab and another', as in both these petitions, prayers have been made for quashing of FIR No.62 dated 04.10.2014, registered at Police Station Kalanaur, District Gurdaspur, under Sections 324, 323, 452, 506, 341, 148 and 149 of the Indian Penal Code and cross-case under Sections 324 and 323 of the Indian Penal Code, registered vide rapat No.15 dated 05.10.2014, arising from the aforesaid FIR, respectively, on the basis of compromise (Annexure P-2 in both the petitions), alongwith all the subsequent proceedings arising therefrom.

Vide orders dated 10.03.2015, parties were directed to appear before the trial Court/Illaq Magistrate to get their statements recorded with regard to compromise and the trial Court/Illaq Magistrate was directed to send the report.

In compliance of orders dated 10.03.2015, the trial Court/Illaq Magistrate has submitted the report vide letters dated 08.05.2015 which indicate that parties appeared before it and got recorded their respective statements with regard to validity of compromise. As per the reports, 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 survives between the parties.

CRM-M-39373-2014

Consequently, in view of compromise (Annexure P-2 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.62 dated 04.10.2014, registered at Police Station Kalanaur, District Gurdaspur, under Sections 324, 323, 452, 506, 341, 148 and 149 of the Indian Penal Code and cross-case under Sections 324 and 323 of the Indian Penal Code, registered vide rapat No.15 dated 05.10.2014, arising from the aforesaid

CRM-M-39373-2014

FIR, respectively, are hereby quashed, on the basis of compromise (Annexure P-2 in both the petitions), 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.

18.05.2015
parveen kumar

(PARAMJEET SINGH)
JUDGE