

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-39980 of 2014

.....

Date of decision:21.1.2015

Satnam Singh alias Bittu and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

(2) Criminal Misc. No.M-40150 of 2014

.....

Ashwani Kumar and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. M.S. Bedi, Advocate for the petitioners in Cr.
Misc. No.M-39980 of 2014 and for the complainant-
respondent No.2 in Cr. Misc. No.M-40150 of 2014.

Mr. Vivek Salathia, Advocate for the petitioners in Cr.
Misc. No.M-40150 of 2014 and for the complainant-
respondent No.2 in Cr. Misc. No.M-39980 of 2014.

Mr. S.S. Chandumajra, Deputy Advocate General, Punjab for
the respondent-State.

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Inderjit Singh, J.

This order will dispose of the above mentioned two criminal

miscellaneous petitions i.e. Criminal Misc. No.M-39980 of 2014 filed by Satnam Singh alias Bittu etc. under Section 482 Cr.P.C. for quashing of FIR No.85 dated 10.9.2009 registered for the offences under Sections 323, 341, 506, 148 and 149 IPC (Section 325 IPC, which was added later on) at Police Station Balachaur, District S.B.S. Nagar and Criminal Misc. No.M-40150 of 2014 filed by Ashwani Kumar etc. for quashing of DDR No.20 dated 10.9.2009 registered for the offences under Sections 323, 341, 506, 148 and 149 IPC in FIR No.85 dated 10.9.2009 at Police Station Balachaur and all consequential proceedings arising therefrom including the impugned judgments of conviction and the order of sentence dated 5.9.2013 passed by learned Sub Divisional Judicial Magistrate, Balachaur (S.B.S. Nagar) on the basis of compromise.

The above FIR and DDR have been registered by both the parties against each other on the allegations that a fight ensued between them and both the parties received injuries. After the trial, the learned Sub Divisional Judicial Magistrate, Balachaur (S.B.S. Nagar) vide two separate judgments dated 5.9.2013 convicted and sentenced the petitioners of both the petitions as mentioned in the impugned judgments. They have filed separate appeals against the judgments of conviction and sentence, which are pending in the Court of learned Additional Sessions Judge, S.B.S. Nagar. During the pendency of the appeals, now with intervention of respectable persons of the locality, the matter has been amicably compromised between the parties and they have resolved their dispute and they want to live in peace and do not want to prolong the litigation.

Therefore, they were directed to appear before learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Additional Sessions Judge, Shaheed Bhagat Singh Nagar has sent his two reports No.124 and 125 dated 8.1.2015 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one. Complainant-Ashwani Kumar in Cr. Misc. No.M-39980 of 2014 and complainant-Naval Kishore alias Bagga in Cr. Misc. No.M-40150 of 2014 have stated that they have compromised the matter with the accused-petitioners according to their free will, without any coercion and undue influence and have no objection if the above said FIR and DDR are quashed and the impugned judgments are set aside.

Learned Deputy Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for the complainant-respondent No.2 in both the petitions admit the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the above said FIR and DDR in view of the law laid down by the Hon'ble Supreme Court.

I have gone through the record and have heard learned counsel for the petitioners as well as learned Deputy Advocate General, Punjab and learned counsel for the complainant-respondent No.2 in both the petitions.

Hon'ble Supreme Court in Dr. Arvind Barsaul etc. v. State of Madhya Pradesh and another, 2008 (2) R.C.R. (Cr.) 910, to contend that

proceedings after conviction can be quashed. I have gone through this judgment, wherein the First Appellate Court rejected the compromise petition stating that the offence under Section 498-A IPC is not liable of compromise. The appellants being aggrieved from the said judgment of the First Appellate Court filed three separate petitions under Section 482 Criminal Procedure Code before the High Court for quashing the proceedings pending in the Court of Second Additional District & Sessions Judge, Gawalior. The High Court also declined to interfere in the matter. The appellants being aggrieved by the impugned judgment of the High Court have preferred the appeal. The Hon'ble Supreme Court has held that in the peculiar facts and circumstances of the case and in the interest of justice, continuation of criminal proceedings would be an abuse of the process of law. Therefore, in exercise of power under Article 142 of the Constitution, the criminal proceedings pending against the appellants emanating from the FIR were quashed.

This Court in Sube Singh and another v. State of Haryana and another, 2013 (4) R.C.R. (Cr.) 102, wherein it has been held as under:-

“In the light of these peculiar facts and circumstances where not only the parties but their close relatives (including daughter and son-in-law of respondent No.2) have also supported the amicable settlement, we are of the considered view that the negation of the compromise would disharmonize the relationship and cause a permanent rift amongst the family members who are living together as a

joint family. Non-acceptance of the compromise would also lead to denial of complete justice which is the very essence of our justice delivery system. Since there is no statutory embargo against invoking of power under Section 482 Criminal Procedure Code after conviction of an accused by the trial Court and during pendency of appeal against such conviction, it appears to be a fit case to invoke the inherent jurisdiction and strike down the proceedings subject to certain safeguards.”

This Court in Satya Narain v. State of Haryana, 2009 (3) R.C.R. (Cr.) 97 and Lal Chand v. The State of Haryana, 2009 (5) R.C.R. (Cr.) 838, has held that High Court is vested with unparalleled power to quash criminal proceedings at any stage to secure ends of justice. The parties have buried their hatchet, though at a belated stage, it was held, that if compromise is accepted and proceedings are quashed, it will go a long way, to create better relations between the parties. Therefore, it was observed that it is a fit case for quashing of FIR, conviction and sentence recorded by the trial Court.

In a decision, based on compromise, none of the parties is a loser. Rather, compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of

ultimate conviction are bleak.

Therefore, keeping in view the fact that the matter has been amicably settled between both the parties and the law laid down by the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, and Dr. Arvind Barsaul etc. v. State of Madhya Pradesh and another (supra) and by this Court in Sube Singh and another v. State of Haryana and another (supra), Satya Narain v. State of Haryana (supra), and Lal Chand v. The State of Haryana (supra), these petitions are allowed and FIR No.85 dated 10.9.2009 registered for the offences under Sections 323, 341, 506, 148 and 149 IPC (Section 325 IPC, which was added later on) at Police Station Balachaur, District S.B.S. Nagar and DDR No.20 dated 10.9.2009 registered for the offences under Sections 323, 341, 506, 148 and 149 IPC in FIR No.85 dated 10.9.2009 at Police Station Balachaur and all consequential proceedings arising therefrom are here quashed and the impugned judgments of conviction and the order of sentence dated 5.9.2013 passed by learned Sub Divisional Judicial Magistrate, Balachaur (S.B.S. Nagar) are set aside on the basis of compromise.

January 21, 2015.

(Inderjit Singh)
Judge

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