

CRM-M-41293-2014

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

CRM-M-41293-2014

Date of decision:23.07.2015

Malagar Singh and others

....Petitioner(s)

Versus

State of Punjab and another

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Karanjeet Singh, Advocate for
Mr. S.P.S.Sidhu, Advocate for
the petitioners.

Mr. K.S.Sidhu, DAG, Punjab.

PARAMJEET SINGH, J. (ORAL)

This petition has been moved by the petitioners under Section 482 of the Code of Criminal Procedure, seeking quashing of case FIR No.128 dated 09.07.2014, registered at Police Station Zira, District Ferozepur, under Sections 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code, on the basis of compromise/affidavit dated 12.11.2014 (Annexure P-1) of respondent No.2, alongwith all the subsequent proceedings arising therefrom.

Vide order dated 26.03.2015, parties were directed to appear before trial Court/Illaq Magistrate to get their statements recorded with

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regard to compromise and the trial Court/Illaqa Magistrate was directed to send the report.

In compliance of order dated 26.03.2015, learned trial Court has submitted its report vide letter dated 21.07.2015 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 survives between the parties.

Consequently, in view of compromise/affidavit dated 12.11.2014 (Annexure P-1) of respondent No.2 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

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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.128 dated 09.07.2014, registered at Police Station Zira, District Ferozepur, under Sections 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code is hereby quashed, on the basis of compromise/affidavit dated 12.11.2014 (Annexure P-1) of respondent No.2, 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.

23.07.2015
parveen kumar

(PARAMJEET SINGH)
JUDGE