

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-42323 of 2013

.....

Date of decision:16.2.2015

Harpreet Singh and others

.....Petitioners

v.

Harminder Singh alias Harvinder Singh alias Ravinder Singh and another

.....Respondents

....

(2) Criminal Misc. No.M-43905 of 2014

.....

Ravinder Singh alias Harvinder Singh and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Jatinder Pal Singh, Advocate for the petitioners in Cr. Misc. No.M-42323 of 2014 and for respondents No.2 to 4 in Cr. Misc. No.M-43905 of 2014.

Mr. Salil Bali, Advocate for the petitioners in Cr. Misc. No.M-43905 of 2014 and for respondent No.1 in Cr. Misc. No.M-42323 of 2014.

Mr. Varun Sharma, Assistant 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-42323 of 2014 filed

under Section 482 Cr.P.C. for quashing of criminal complaint No.673/2.6.2005/10 titled as “Harminder Singh Versus Assa Singh and others” (Annexure-P.1) and impugned judgment dated 27.3.2012 (Annexure-P.2) passed by learned Judicial Magistrate Ist Class, Ferozepur along with all subsequent proceedings ensuing therefrom and Criminal Misc. No.M-43905 of 2014 filed under Section 482 Cr.P.C. for quashing of FIR No.92 dated 25.7.2004 registered for the offences under Sections 326, 324, 323, 148 and 149 IPC at Police Station Mamdot, District Ferozepur and judgment dated 27.3.2012 passed by learned Judicial Magistrate Ist Class, Ferozepur, whereby the petitioners have been convicted and sentenced as well as all other subsequent proceedings arising therefrom on the basis of compromise.

The criminal complaint and FIR were got filed/registered against each other by the petitioners of both the petitions as dispute arose as a result of fight between the parties in which injuries were received by both the parties. This is a version and cross-version. The trial in both the cases i.e. the FIR as well as the complaint case ensued and both the parties i.e. the petitioners as well as private respondents and others were convicted and sentenced vide separate judgments dated 27.3.2012 passed by learned Judicial Magistrate Ist Class, Ferozepur. Both the parties preferred criminal appeals before the learned Sessions Judge/Additional Sessions Judge, Ferozepur, which are pending. During the pendency of appeals, now with the intervention of the respectable persons, the matter has been amicably sorted out between both the parties and compromise has been entered into.

Keeping in view the fact that the parties have entered into a compromise, 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, Ferozepur has sent his two reports dated 13.2.2015 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for complainants 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 FIR and the criminal complaint in view of the law laid down by the Hon'ble Supreme Court.

I have heard learned counsel for the petitioners as well as learned Assistant Advocate General, Punjab and have gone through the record.

Hon'ble Supreme Court in Dr. Arvind Barsaul etc. v. State of Madhya Pradesh and another, 2008 (2) R.C.R. (Cr.) 910, has held that proceedings after conviction can be quashed.

This Court in Sube Singh and another v. State of Haryana and another, 2013 (4) R.C.R. (Cr.) 102, has 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 unparallel 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. Criminal complaint No.673/2.6.2005/10 titled as “Harminder Singh Versus Assa Singh and others” and impugned judgment dated 27.3.2012 passed in the criminal complaint by learned Judicial Magistrate Ist Class, Ferozepur along with all subsequent proceedings ensuing therefrom and FIR No.92 dated 25.7.2004 registered for the offences under Sections 326, 324, 323, 148 and 149 IPC at Police Station Mamdot, District Ferozepur and impugned judgment dated 27.3.2012 passed in the FIR by learned Judicial Magistrate Ist Class, Ferozepur, whereby the petitioners have been convicted and sentenced as well as all other subsequent proceedings arising therefrom are quashed/set aside on the basis of compromise.

February 16, 2015.

(Inderjit Singh)
Judge

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