

In the High Court of Punjab and Haryana at Chandigarh

.....

(1) Criminal Misc. No.M-42449 of 2014

.....

Date of decision:20.2.2015

Harjeet Singh and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

(2) Criminal Misc. No.M-42450 of 2014

.....

Jasbir Singh and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

(3) Criminal Misc. No.M-43005 of 2014

.....

Harjit Singh and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. B.D. Sharma, Advocate for the petitioners in Cr. Misc. No.M-42449 of 2014 and for respondents No.2 to 4 in Cr. Misc. Nos.M-42450 and 43005 of 2014.

Mr. Kashmir Singh, Advocate for the petitioners in Cr. Misc. No.M-42450 of 2014.

Mr. Vipul Aggarwal, Advocate for the petitioners in Cr. Misc. No.M-43005 of 2014 and for respondent No.2 in Cr. Misc.

No.M-42449 of 2014.

Mr. Varun Sharma, Assistant Advocate General, Punjab
for the respondent-State.

.....

Inderjit Singh, J.

This order will dispose of the above mentioned three criminal miscellaneous petitions filed under Section 482 Cr.P.C. for quashing of FIR No.267 dated 11.11.2007 registered for the offences under Sections 323, 324, 148, 149 IPC and (Section 326 IPC, which was added later on) at Police Station Jandiala, District Amritsar and cross-case recorded on the statement of Jasbir Singh in the above said FIR and the impugned judgment of conviction and order of sentence dated 25.1.2014 passed by learned Judicial Magistrate Ist Class, Amritsar and all other subsequent proceedings arising therefrom in view of the compromise dated 13.11.2014.

The above mentioned FIR and cross-case have been registered on the complaints of Harjit Singh son of Tara Singh and Jasbir Singh against each other by the petitioners of above three petitions as dispute arose as a result of fight between them in which injuries were received by the petitioners and private respondents. This is a version and cross-version. The trial in both the cases i.e. the FIR as well as the cross-case ensued and the petitioners as well as private respondents and others were convicted and sentenced vide common judgment dated 25.1.2014 passed by learned Judicial Magistrate Ist Class, Amritsar. The petitioners in the above mentioned petitions preferred two criminal appeals No.88 and 97 of 2014 titled as “Harpal Singh and others Versus State of Punjab” and “Amrik

Singh and another Versus State of Punjab” before the learned Additional Sessions Judge, Amritsar, which are pending. During the pendency of appeals, now with the intervention of the respectable persons, the matter has been amicably sorted out between all the parties and compromise dated 13.11.2014 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, Amritsar has sent her report 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, appearing for the respondent-State contested these petitions by contending that after conviction, compromise entered into between the parties can not be entertained.

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 all 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. FIR No.267 dated 11.11.2007 registered for the offences under Sections 323, 324, 148, 149 IPC and (Section 326 IPC, which was added later on) at Police Station Jandiala, District Amritsar and cross-case recorded in the above said FIR and the impugned judgment of conviction and order of sentence dated 25.1.2014 passed by learned Judicial Magistrate Ist Class, Amritsar and all other subsequent proceedings emanating therefrom are hereby quashed/set aside in view of the compromise.

February 20, 2015.

(Inderjit Singh)
Judge

hsp