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

**CRM-M No.44033 of 2014
Date of Decision: 06.04.2015**

RAJINDER KUMAR @ PAPPA AND ORS

.....Petitioners

Vs

STATE OF PUNJAB AND ORS

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Karanjit Singh, Advocate
for the petitioners..

Mr. Varun Sharma, A.A.G., Punjab.

Mr. Sumeet Puri, Advocate
for respondents No.2 & 3.

- 1. *Whether Reporters of local papers may be allowed to see the judgment ?***
- 2. *To be referred to the Reporters or not ?***
- 3. *Whether the judgment should be reported in the Digest?***

RAJ MOHAN SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No.89 dated 20.10.2009, registered under Sections 323, 324, 326, 34 IPC at P.S. D-Division, District Amritsar City, along with all subsequent proceedings arising therefrom including the judgment and order of conviction dated 18.04.2013 passed by Judicial Magistrate Ist Class, Amritsar, on the basis of compromise

This Court vide order dated 23.12.2014 passed the following order:-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.89 dated 20.10.2009 registered under Sections 323, 324, 326, 34 IPC at Police Station D-Division, District Amritsar City and judgment and order of conviction dated 18.04.2013 and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties, which is annexed as Annexure P-3 with the petition.

Notice of motion.

Ms. Amarjit Kaur Khurana, Additional Advocate General, Punjab, at the asking of the Court, accepts notice on behalf of respondent No.1.

Learned counsel for the petitioners undertakes to supply a copy of the petition to the learned Addl. AG during the course of the day.

To come up on 06.04.2015.

Meanwhile, the parties are directed to be present before the Appellate Court on the date fixed or any other date convenient to the Court for recording their statements with regard to compromise. The Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Court is further directed to send report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal case is pending against either of the parties or not before the next date of hearing.”

In pursuance to the aforesaid order, both the parties appeared before the Additional District & Sessions Judge, Amritsar and got their statements recorded on 01.04.2015. The Additional

District & Sessions Judge, Amritsar in his report dated 03.04.2015 also recorded its satisfaction that the compromise is on account of free will without any threat, coercion and undue influence and would facilitate both the parties to live in peace and maintain harmony.

This Court is of the opinion that offence is private in nature and not against the whole society. Appeal against conviction is pending. In **2013(2) RCR (Crl.) 102, Sube Singh & Another v. State of Haryana and Another**, this Court held that magnitude of inherent powers is wide enough to cover proceedings in appeal also so as to prevent abuse of law and to achieve ends of justice. The compromise would facilitate both the parties to live in peace and to maintain public tranquility and offence in question is personal in nature and does not involve any heinous and serious offence of any mental depravity, nor it involves any offence covered under Prevention of Corruption Act. Therefore, when parties have resolved their differences, continuation of criminal proceedings would put the accused to oppression and prejudice. In such a situation the exercise of power to quash the proceedings would be in consonance with the provisions of law to meet ends of justice and to prevent unnecessary continuation of proceedings which may ultimately result in some unnecessary vagaries of criminal trial/appeal.

The State on notice, however, object to the aforesaid course, but in order to prevent unnecessary continuation of criminal proceedings on the ground that both the parties have settled their

dispute of private nature, this Court is of the opinion that it would be in fitness of things to quash the proceedings on the basis of compromise.

Resultantly, FIR No.89 dated 20.10.2009, registered under Sections 323, 324, 326, 34 IPC at P.S. D-Division, District Amritsar City, along with all subsequent proceedings arising therefrom including the judgment and order of conviction dated 18.04.2013 passed by Judicial Magistrate Ist Class, Amritsar, are quashed.

April 06, 2015

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**(RAJ MOHAN SINGH)
JUDGE**