

Crl. Misc. No. M-6029 of 2015

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

Crl. Misc. No. M-6029 of 2015

Date of decision: 07.08.2015

Balwinder Singh and others

....Petitioners

Versus

State of Punjab and another

....Respondents

Crl. Misc. No. M-25355 of 2014

Pritpal Singh and another

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the 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 ?

Present: - Mr. R.P.S. Chaudhary, Advocate,
for the petitioners in CRM-M-6029 of 2015 and
for respondent No.2 in CRM-M-25355 of 2014.
Mr. Anil Chaudhary, Advocate,
for the petitioners in CRM-M-25355 of 2014 and
for respondent No.2 in CRM-M-6029 of 2015.
Mr. K.S. Sidhu, DAG, Punjab.

PARAMJEET SINGH, J.

By this judgment, I intend to dispose of CRM-M-6029-2015, titled 'Balwinder Singh and others v. State of Punjab and another', and CRM-M-25355-2014, titled 'Pritpal Singh and another v. State of Punjab and another', as in both these petitions, prayer has been made for quashing of FIR No.105 dated 24.05.2014, registered at Police Station Sadar Dhuri, District Sangrur, under Sections 341/323/148/149 of the

Crl. Misc. No. M-6029 of 2015

Indian Penal Code and cross-version recorded vide Rapat No.29 dated 25.05.2015, arising from the aforesaid FIR, respectively, on the basis of compromise dated 07.07.2014 (Annexure P-3 in both the petitions), alongwith all the subsequent proceedings arising therefrom.

Vide order dated 11.03.2015 passed in CRM-M-6029-201, parties were given liberty to appear before the trial Court/Illaq Magistrate to get their statements recorded with regard to compromise/settlement and trial Court/Illaq Magistrate was directed to send the report.

In pursuance of aforesaid order, learned Judicial Magistrate Ist Class, Dhuri, has submitted report vide letter dated 19.05.2015, which indicates that all the parties in both these petitions appeared before learned Magistrate 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 the compromise and keeping in view the law laid down by the Hon'ble Supreme Court in the case of ***Madan Mohan Abbot v. State of Punjab, 2008(2) RCR (Criminal) 429, Gian Singh v. State of Punjab and another, 2012(4) RCR (Criminal) 543, Narinder Singh and others v. State of Punjab and another, 2014(2) RCR (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

Crl. Misc. No. M-6029 of 2015

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's*** case (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 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.

Both the petitions are allowed. FIR No.105 dated 24.05.2014, registered at Police Station Sadar Dhuri, District Sangrur, under Sections 341/323/148/149 of the Indian Penal Code and cross-version recorded vide Rapat No.29 dated 25.05.2015, arising from the aforesaid FIR, are quashed on the basis of compromise and all the criminal proceedings arising from the said FIR and cross-version 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.

(Paramjeet Singh)
Judge

August 07, 2015
R.S.