

CRM-M-6299-2015

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

Date of decision: 18.05.2015

1. CRM-M-6299-2015

Joga Singh Midar and others

....Petitioner(s)

Versus

U.T.Chandigarh and others

....Respondent(s)

AND

2. CRM-M-6251-2015

Gursev Singh and others

....Petitioner(s)

Versus

U.T. Chandigarh and another

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. J.S.Chatrath, Advocate for
Mr. Aman Rehal, Advocate for
the petitioners in CRM-M-6299-2015 and
for respondent No.2 in CRM-M-6251-2015.

Mr. Harish Goyal, Advocate,
for the petitioners in CRM-M-6251-2015 and
for respondent Nos.2 to 4 in CRM-M-6299-2015.

Mr. J.S.Toor, APP, U.T.Chandigarh.

CRM-M-6299-2015

PARAMJEET SINGH, J. (ORAL)

By this judgment, I intend to dispose of CRM-M-6299-2015, titled 'Joga Singh Midar and others vs. U.T.Chandigarh and others' and CRM-M-6251-2015, titled 'Gursev Singh and others vs. U.T. Chandigarh and another', as common questions of fact and law are involved in all these petitions.

CRM-M-6299-2015 has been moved by the petitioners under Section 482 of the Code of Criminal Procedure, seeking quashing of case FIR No.86 dated 23.03.2014, registered at Police Station Industrial Area, Chandigarh, under Sections 147/149/323/506 of the Indian Penal Code, on the basis of compromise (Annexure P-3), alongwith all the subsequent proceedings arising therefrom.

CRM-M-6251-2015 has been moved by the petitioners under Section 482 of the Code of Criminal Procedure, seeking quashing of case FIR No.88 dated 23.03.2014, registered at Police Station Industrial Area, Chandigarh, under Sections 147/149/323/506 of the Indian Penal Code, on the basis of compromise (Annexure P-3), alongwith all the subsequent proceedings arising therefrom.

Vide orders dated 10.03.2015, notices of motion was issued and parties were directed to appear before trial Court/Illaq Magistrate to get their statements recorded with regard to compromise and the trial Court/Illaq Magistrate was directed to send the report.

In compliance of orders dated 10.03.2015, learned trial

CRM-M-6299-2015

Court has submitted its reports vide letters dated 10.04.2015 which indicate that parties appeared before it and got recorded their respective statements with regard to validity of compromise. As per the reports, 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 (Annexure P-3 in both the petitions) 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 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

CRM-M-6299-2015

end.

Both the petitions are allowed. FIR No.86 dated 23.03.2014, registered at Police Station Industrial Area, Chandigarh, under Sections 147/149/323/506 of the Indian Penal Code, and FIR No.88 dated 23.03.2014, registered at Police Station Industrial Area, Chandigarh, under Sections 147/149/323/506 of the Indian Penal Code, are hereby quashed, on the basis of compromise (Annexure P-3 in both the petitions) and all the criminal proceedings arising out of the said FIRs 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.

18.05.2015
parveen kumar

(PARAMJEET SINGH)
JUDGE