

**CRM-M-6776-2014 and
CRM-M-19611-2014**

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

Date of Decision: 07.04.2015

1. CRM-M-6776-2014

Shree Bhagwan

....Petitioner(s)

Versus

State of Haryana and anr.

....Respondent(s)

AND

2. CRM-M-19611-2014

Sunil Kumar

....Petitioner(s)

Versus

State of Haryana and another

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. S. N. Yadav, Advocate
for petitioner in CRM-M-6776 of 2014

Mr. Sandeep Kotla, Advocate
for petitioner in CRM-M-19611 of 2014

Mr. Naveen Sheoran, DAG, Haryana

PARAMJEET SINGH, J. (ORAL)

By this judgment, I intend to dispose of CRM-M-6776 of

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2014, titled 'Shree Bhagwan Vs. State of Haryana and anr.' and CRM-M-19611 of 2014, titled 'Sunil Kumar Vs. State of Haryana and anr.' as in both these petitions, prayer have been made for quashing of FIR No.158 dated 03.08.2013 under Sections 406/420 IPC registered at Police Station Kosli, District Rewari on the basis of compromise dated 21.05.2014 alongwith all the subsequent proceedings arising therefrom.

Vide order dated 18.11.2014, parties were directed to appear before the trial Court on 05.12.2014 to get their statements recorded with regard to compromise and the trial Court was directed to send the report.

In compliance of order dated 18.11.2014, the trial Court has submitted separate reports vide letter dated 15.01.2015 in both cases which indicate that parties appeared before it 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 petitioners state that no dispute is pending between the parties.

Learned counsel for the petitioner further state that the trial is still pending and till date, conviction has not been recorded by the Court.

Consequently, in view of compromise dated 21.05.2014 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***

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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 end.

Both the petitions are allowed. FIR No.158 dated 03.08.2013 under Section 406/420 IPC, Police Station Kosli, District Rewari on the basis of compromise dated 21.05.2014 in both the petitions and all the criminal proceedings arising out of the said FIR 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.

07.04.2015
prince

(PARAMJEET SINGH)
JUDGE