

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

**1. CRM No.26955 of 2015 in/and
CRR No.1019 of 2013 (O&M)**

Naresh Kumar Sanghi and others

... Petitioners

Versus

Matadin and another

... Respondents

**2. CRM No.23870 of 2015 in/and
CRR No.1049 of 2013 (O&M)**

Radhey Shyam

... Petitioner

Versus

Matadin and another

... Respondents

Date of decision: 15th September, 2015

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Ms. Sumanjit Kaur, Advocate
for the petitioners in CRR No.1019 of 2013.

Mr. Munish Gupta, Advocate
for the petitioner in CRR No.1049 of 2013.

Mr. M.S. Sindhu, Advocate
for respondent No.1.

Mr. Deepak Sabharwal, Addl. Advocate General, Haryana
for respondent No.2.

FATEH DEEP SINGH, J. (ORAL)

This order will dispose off two revision petitions detailed above arising out of the same very judgment of conviction dated 07.05.2010 passed by the trial Court of learned Judicial Magistrate 1st Class, Narnaul and which findings were upheld by the appellate Court of learned Additional District Judge, Narnaul vide orders dated 08.03.2013. During the course, the parties compromised and sought quashment of these findings by way of compromise.

Report dated 11.09.2015 of the present learned Chief Judicial Magistrate, Narnaul has been received based on the statements of accused persons in both the cases namely Naresh Kumar Sanghi, Parveen, Sonu @ Sunil, Hitesh @ Billu, Ashok Kumar and Radhey Shyam as well as the complainant Matadin to the effect that the parties have effected compromise by way of Ex.CX.

It has been submitted on behalf of both the parties by Mr.Munish Gupta and Ms.Sumanjit Kaur, Advocates representing the petitioners and Mr.M.S. Sindhu, on behalf of the private respondent that the compromise Ex.CX is an outcome of voluntariness of the parties, without any coercion, undue influence or pressure and has been reduced into writing which is placed on record of this case by way of attested copy.

A Division Bench of this Court in '**Sube Singh and another v. State of Haryana and another**' 2013(4) RCR (Criminal) **102** has laid down that the High Court is vested with unparallel powers

to quash criminal proceedings at any stage to secure the ends of justice even after the conviction. Their Lordships in **Sube Singh's case** (ibid) held as under:

“The magnitude of inherent jurisdiction exercisable by the High Court under Section 482 Criminal Procedure Code with a view to prevent the abuse of law or to secure the ends of justice, however, is wide enough to include its power to quash the proceedings in relation to not only the non-compoundable offences notwithstanding the bar under Section 320 Criminal Procedure Code but such a power, in our considered view, is exercisable at any stage save that there is no express bar and invoking of such power is fully justified on facts and circumstances of the case.”

Having regard to this position of law and that in similar other views reported in **2012(10) SCC 303** titled as '**Gian Singh v. State of Punjab and another**' and **2014(6) SCC 466** titled as '**Narinder Singh and others v. State of Punjab and another**', wherein the Hon'ble Apex Court has taken a very liberal approach as to quashment of proceedings and had emphasized that quashment of such proceedings depends upon the facts and circumstances of each case and has attached primacy where such a quashment by way of compromise is essential to secure the ends of justice or to prevent abuse of the process of any Court and it is only in cases which are of

very heinous or serious nature like murder, rape, dacoity or corruption etc. the courts should not come to the aid and rescue of a petitioner.

In the light of these discussions, the concurrence shown by both sides and the fact that offences for which the accused have been convicted are not grave or serious, the Court taking a holistic and pragmatic approach feels it essential and in the interest of justice to allow the prayer for quashment on the basis of compromise. Thus, criminal complaint No.103 RT dated 23.11.2000/25.11.2005 under Sections 148/323/324/506 IPC along with judgment of conviction dated 07.05.2010 passed by learned Judicial Magistrate 1st Class, Narnaul and findings dated 08.03.2013 of the learned Additional Sessions Judge, Narnaul upholding the same in Criminal Appeal No.69 of 2010 and Criminal Appeal No.98 of 2010 and all consequences arising thereof are hereby quashed.

Thus, the applications are allowed and the revision petitions stand disposed off in those terms.

(FATEH DEEP SINGH)
JUDGE

September 15, 2015
rps