

CRM-M-8368-2015 and
CRM-M-8247-2015

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 09.07.2015

1. CRM-M-8368-2015

PrincePetitioner(s)

Versus

State of Punjab and othersRespondent(s)

AND

2. CRM-M-8247-2015

Raj Kumar and othersPetitioner(s)

Versus

State of Punjab and othersRespondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. K.R. Dhawan, Advocate for the petitioners in CRM-M-8368-2015 and for respondent Nos.2 and 3 in CRM-M-8247-2015.

Mr. Amit Dhawan, Advocate, for the petitioners in CRM-M-8247-2015 and for respondent Nos.2 and 3 in CRM-M-8368-2015.

Mr. K. S. Sidhu, Deputy Advocate General, Punjab.

PARAMJEET SINGH, J. (ORAL)

By this judgment, I intend to dispose of CRM-M-8368-2015, titled 'Prince Vs. State of Punjab and others' and CRM-M-8247-2015, titled 'Raj Kumar and others vs. State of Punjab and others', in these petitions, prayer has been made for quashing of FIR No. 18 dated 08.03.2010, registered at Police Station Lohian, under Sections 363/366/120-B of the Indian Penal Code and cross-case FIR No. 19

dated 08.03.2010, registered at Police Station Lohian, under Sections 323, 354, 506, 452, 427, 370, 148, 149 of the Indian Penal Code, respectively, on the basis of compromise dated 06.03.2015 (Annexure P-2 in both petitions), along with all the subsequent proceedings arising therefrom.

Vide orders dated 19.03.2015 in CRM-M-8368-2015 and 13.03.2015 in CRM-M-8247-2015, notice of motion was issued and parties were directed to appear before trial Court to get their statements recorded with regard to compromise and the trial Court was directed to send the report.

In compliance of orders dated 19.03.2015 in CRM-M No. 8368 of 2015, learned Additional Sessions Judge, Jalandhar has submitted its report vide letter dated 03.04.2015. In compliance of orders dated 13.03.2015 in CRM-M No. 8247 of 2015, learned Sub Divisional Judicial Magistrate, Nakodar has also submitted its report vide letter dated 09.04.2015. 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 dated 06.03.2015 (Annexures P-2 in CRM-M-8368-2015 and in CRM-M-8247-2015) 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 end.

Both the petitions are allowed. FIR No. 18 dated 08.03.2010, registered at Police Station Lohian, under Sections 363/366/120-B of the Indian Penal Code and cross-case FIR No. 19 dated 08.03.2010, registered at Police Station Lohian, under Sections 323, 354, 506, 452, 427, 370, 148, 149 of the Indian Penal Code, respectively, are hereby quashed, on the basis of compromise dated 06.03.2015 (Annexures P-2 in CRM-M-8368-2015 and in CRM-M-8247-2015), 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.

July 09, 2015.
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(PARAMJEET SINGH)
JUDGE