

CRM-M-8797 of 2014

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

CRM-M-8797 of 2014 (O&M)

Date of decision: 02.07.2015

Balbir Singh

....Petitioner

Versus

State of Punjab and others

....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. H.S. Deol, Advocate, for the petitioner.

Mr. K.S. Sidhu, DAG, Punjab.

Mr. Gurvinder S. Sandhu, Advocate, for

Mr. Amandeep Sibbia, Advocate, for respondent No.2.

PARAMJEET SINGH, J. (ORAL)

This petition has been filed by the petitioner under Section 482 of the Code of Criminal Procedure, seeking quashing of case FIR No.39 dated 21.05.2011 registered under Sections 457, 427, 447, 506, 149 and Section 511 IPC (added vide order dated 22.04.2015) at Police Station Dugri, District Ludhiana, on the basis of compromise dated 25.09.2013 (Annexure P-2) between the parties.

Initially petition was filed for quashing the FIR in question registered under Sections 457, 427, 447, 506, 149 IPC. On 11.03.2014 notice of motion was issued and parties were directed to appear before the trial Court to get their statements recorded with regard to

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compromise/settlement and trial Court was directed to send the report. On 12.03.2015 learned State counsel pointed out that petitioner has not mentioned Section 511 IPC in the petition. Petitioner was granted time to amend the petition, however, in the meantime, parties were directed to appear before the trial Court for recording their statements with regard to compromise qua added Section 511 IPC as well.

In pursuance of orders dated 11.03.2014 and 12.03.2015, learned Judicial Magistrates Ist Class, Ludhiana, have submitted reports dated 22.04.2014 and 27.04.2015, which indicate that parties appeared before learned Magistrates 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 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 the litigation, especially when this case does not fall within the category

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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.

The present petition is allowed. FIR No.39 dated 21.05.2011 registered under Sections 457, 427, 447, 506, 149, 511 IPC at Police Station Dugri, District Ludhiana , along with all consequential proceedings arising out of it, on the basis of compromise, is 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

July 02, 2015
R.S.