Crl. Misc. No. M-9864 of 2015

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-9864 of 2015
Date of decision: 27.07.2015

Kulwant Singh and others

....Petitioners

Versus

State of Punjab and another

....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. S.K. Virk, Advocate, for
Mr. C.L. Pawar, Advocate, for the petitioners.
Mr. D.S. Mann, AAG, Punjab.

PARAMJEET SINGH, J. (ORAL)

This petition has been filed by the petitioners under Section 482 of the Code of Criminal Procedure, seeking quashing of case FIR No.145 dated 05.06.2014 registered under Sections 452, 436, 506, 148, 149 IPC at Police Station Beas, District Amritsar, on the basis of compromise dated 21.07.2014 (Annexure P-2) between the parties.

On 27.03.2015 notice of motion was issued and parties were given liberty to appear before the trial Court/Illaqa Magistrate to get their statements recorded with regard to compromise/settlement and trial Court/Illaqa Magistrate was directed to send the report.

In pursuance of order dated 27.03.2015, learned Sub Divisional Judicial Magistrate, Baba Bakala Sahib, District Amritsar, has submitted report vide letter dated 23.07.2015, which indicates that

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parties appeared before learned Magistrate 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 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 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.145 dated 05.06.2014 registered under Sections 452, 436, 506, 148, 149 IPC at Police Station Beas, District Amritsar, along with all consequential proceedings arising

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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 27, 2015
R.S.

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