

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

Crl. Rev. No.1353 of 2014 (O&M)

Date of Decision: 26.02.2015

Deepak and another

....Petitioners

Versus

State of Haryana and others

....Respondents

Crl. Rev. No.1354 of 2014

Pammi

....Petitioner

Versus

State of Haryana and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Sachin Rai Vaid, Advocate
for the petitioners.

Mr. Munish Sharma, A.A.G., Haryana
for the respondent-State.

Mr. Raj Kumar Narang, Advocate
for respondents No.2 and 3.

DAYA CHAUDHARY, J. (ORAL)

By this judgment, two revision petitions bearing **Criminal Revision Petition No.1353 of 2014** titled as **Deepak and another vs State of Haryana and others** and **Criminal Revision No.1354 of 2014** titled as **Pammi vs State of Haryana and others** shall be disposed of as both the petitions have been filed against judgment of conviction and order of sentence passed by the trial Court.

However, for the sake of convenience, the facts are being extracted from **Criminal Revision No.1353 of 2014**.

The petitioners faced trial in case FIR No.164 dated 27.06.2003 registered under Sections 323/324/326 read with Section 34 IPC at Police Station City Rewari. All the accused were convicted and sentenced by the trial Court vide its judgment dated 09/11.11.2011.

Thereafter, aggrieved by the said judgment of conviction and order of sentence, the petitioners preferred appeal before the Additional Sessions Judge, Rewari, which was dismissed on 21.04.2014.

The petitioners, after loosing their battle before the two Courts below, have filed the above said two revision petitions. However, during pendency of said revision petitions, a compromise has been arrived at between the parties. Complainant-injured/respondents No.2 and 3 have no objection in quashing of proceedings initiated against accused-petitioners in both the cases.

As per directions issued by this Court on 23.12.2014, the statements of the parties were recorded, wherein, the factum of compromise has been affirmed. Accused-petitioners as well as complainant-injured/respondents No.2 and 3 have stated in their respective statements that they have compromised the dispute which is as per their free will. Complainant and injured have made a joint statement, wherein, it has been stated that with the intervention of respectables, a compromise has been arrived at between the parties, which is as per their free will. The purpose of compromise is to maintain peace and harmony in the relations. It has also been stated that they are not interested in continuation of proceedings initiated against the petitioners.

Learned counsel for the complainant-injured/respondents No.2 and 3 have also affirmed the factum of compromise and recording of statements of the parties.

Since the dispute between the parties has been settled by way

of compromise and the complainant as well as injured have no objection in quashing of proceedings initiated against the petitioners including judgment of conviction and order of sentence awarded by the trial Court as well as by the lower Appellate Court; this Court has power under Section 482 Cr.P.C for quashing of proceedings arising out of the FIR, in dispute, in case, the compromise is arrived at between the parties is for their betterment and the same is necessary to meet out the ends of justice as well as for the interest of parties.

Undisputedly, as per ratio of law laid down in ***Kulwinder Singh vs State of Punjab 2007(3) RCR Criminal 1052***, the criminal proceedings can be quashed even if the offences are non-compoundable.

Similar view has been held by Hon'ble the Apex Court in ***Gian Singh vs. State of Punjab and another 2012(4) RCR (Criminal) 543***.

In the present case also, the parties have compromised their dispute and the complainants/injured have no objection in quashing of the FIR as well as other proceedings arising therefrom.

In view of the facts as mentioned above, the present petition is allowed and the impugned criminal proceedings arising out of F.I.R. No.164 dated 27.06.2003 registered under Sections 323/324/326 read with Section 34 IPC at Police Station City Rewari qua petitioners, namely, Deepak, Rundha and Pammi are quashed and petitioners are acquitted of the charge.

26.02.2015
gurpreet

(DAYA CHAUDHARY)
JUDGE