

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

**Crl. Revision No. 2140-2015(O&M)**  
**Date of decision: 23.07.2015**

Naresh Kumar Verma .. Petitioner

Vs.

Mohinder Pal and another .. Respondents

**Coram: Hon'ble Mr. Justice Mahesh Grover**

Present: Mr.Ishaan Bhardwaj, Advocate for the petitioner.  
Mr. Balwinder Singh, Advocate for respondents.  
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**Mahesh Grover, J**

The petitioner impugns the judgment of the learned trial Court and that of the Appellate Court dated 18.11.2013 and 27.05.2015 respectively vide which he was convicted and sentenced as under:

| Before trial Court                                                                                                                                                                                                                    | Before Appellate Court                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| 1. Under Section 138 of the Negotiable Instruments Act, 1881 to undergo rigorous imprisonment for one year and to pay a fine of ₹5,000/- and in default of payment of fine to further undergo rigorous imprisonment for fifteen days. | Conviction maintained while sentenced reduced to nine months. |

At the time of motion hearing, the petitioner had handed over a sum of ₹1,00,000/- cash to the complainant which had satisfied the grievance of the complainant.

In view of the fact that the amount has been paid and the parties have resolved their differences, no useful purpose would be served by keeping the petition pending.

In **Dr. Arvind Barsaul etc. v. State of Madhya Pradesh and another, 2008 (2) R.C.R. (Cr.) 910**, Hon'ble Supreme Court has held that proceedings after conviction can be quashed.

**In Sube Singh and another v. State of Haryana and another,**

**2013 (4) R.C.R. (Cr.) 102**, it has been held as under:-

“ In the light of these peculiar facts and circumstances where not only the parties but their close relatives (including daughter and son-in-law of respondent No.2) have also supported the amicable settlement, we are of the considered view that the negation of the compromise would disharmonize the relationship and cause a permanent rift amongst the family members who are living together as a joint family. Non-acceptance of the compromise would also lead to denial of complete justice which is the very essence of our justice delivery system. Since there is no statutory embargo against invoking of power under Section 482 Criminal Procedure Code after conviction of an accused by the trial Court and during pendency of appeal against such conviction, it appears to be a fit case to invoke the inherent jurisdiction and strike down the proceedings subject to certain safeguards.”

**In Satya Narain v. State of Haryana, 2009 (3) R.C.R. (Cr.)**

**97 and Lal Chand v. The State of Haryana, 2009 (5) R.C.R. (Cr.) 838**, it

has been held that High Court is vested with unparallel power to quash criminal proceedings at any stage to secure ends of justice. The parties have buried their hatchet, though at a belated stage, it was held, that if compromise is accepted and proceedings are quashed, it will go a long way, to create better relations between the parties. Therefore, it was observed that it is a fit case for quashing of FIR, wherein conviction and sentence recorded by the trial Court.

The Hon'ble Supreme Court in **Gian Singh v. State of Punjab and another, 2012 (4) RCR (Crl.) 543**, has held that the inherent jurisdiction of this Court under Section 482 Cr.P.C. can be exercised to quash the proceedings in respect of criminal cases arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personnel in nature and the parties have resolved their entire dispute even though they are not compoundable.

Having regard to the aforesaid and the observations made by the Full Bench of this Court in **Kulwinder Singh v. State of Punjab reported as 2007(3) Law Herald 2225** and of Hon'ble Supreme Court in **Gian Singh's case (supra)**, instant petition is accepted. Consequently, the impugned orders dated 18.11.2013 and 27.05.2015 vide which the petitioner has been convicted and all consequential proceedings arising therefrom qua the petitioner are hereby quashed.

Petition stands allowed.

**23.07.2015**

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**(Mahesh Grover)**  
**Judge**