

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

CRM-M No.15142 of 2016
Date of decision: 24th August, 2016

Kiran Bala and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Imran Farooqi, Advocate for the petitioners.

Mr. Jasjeet Dhaliwal, Dy. Advocate General, Punjab
for respondent No.1.

Ms. Satpreet G. Kapila, Advocate for respondents No.2 & 3.

FATEH DEEP SINGH, J. (ORAL)

In the present petition preferred under Section 482 Cr.P.C., the convict/petitioners, who were tried in a criminal case bearing FIR No.64 dated 01.05.2012 (Annexure P1) registered at Police Station Mukerian under Sections 323/324/148/149/325 IPC on the complaint of present respondent No.2 Chanchal Singh, were found guilty for commission of said offences and the Court of learned Sub Divisional Judicial Magistrate, Mukerian through judgment of conviction and order of sentence dated 18.01.2016 (Annexure P2) convicted and sentenced them to undergo RI for 3 years and to pay a fine of Rs.1000/- each in default of payment of fine to further undergo RI for 1 month under Section 325 IPC read with Section 149 IPC; RI for 2 years and fine of Rs.500/- each under Section 324 IPC read with Section 149 IPC; RI for

1 year under Section 148 IPC and RI for 6 months under Section 323 IPC read with Section 149 IPC.

The same has been challenged by the convict/petitioners by way of appeal which is pending before the first appellate Court of learned Sessions Judge, Hoshiarpur.

It is at this juncture, parties entered into a compromise in writing by way of Compromise Deed dated 29.04.2016 (Annexure P4) and it was consequent thereupon the present jurisdiction was invoked by the petitioners/convict.

Report of the Court below was called for and the learned Additional Sessions Judge, Hoshiarpur through its report dated 22.07.2016 on the basis of statements of the parties submits that the parties have amicably compromised the matter by way of compromise deed Ex.C1 and have made statements voluntarily, without any coercion, pressure or undue influence.

Heard Mr. Imran Farooqi, Advocate representing the petitioners; Mr. Jasjeet Dhaliwal, Dy. Advocate General, Punjab for respondent No.1/State and Ms. Satpreet Grewal Kapila, Advocate on behalf of respondents No.2 & 3.

Learned counsel for the petitioners has sought to place reliance upon a Division Bench view of this Court in '**Sube Singh and another v. State of Haryana and another**' reported in **2013(4) RCR (Criminal) 102** to impress upon this Court that the High Court is vested with unparallel powers to quash criminal proceedings at any stage to

secure the ends of justice even where after conviction an appeal is pending. Their Lordships in **Sube Singh's case** (ibid) held as under:

“The magnitude of inherent jurisdiction exercisable by the High Court under Section 482 Criminal Procedure Code with a view to prevent the abuse of law or to secure the ends of justice, however, is wide enough to include its power to quash the proceedings in relation to not only the non-compoundable offences notwithstanding the bar under Section 320 Criminal Procedure Code but such a power, in our considered view, is exercisable at any stage save that there is no express bar and invoking of such power is fully justified on facts and circumstances of the case.”

Having regard to this position of law and that in similar other views reported in 2012(10) SCC 303 titled as ‘**Gian Singh v. State of Punjab and another**’ and 2014(6) SCC 466 titled as ‘**Narinder Singh and others v. State of Punjab and another**’, wherein the Hon’ble Apex Court has taken a very liberal approach as to quashment of proceedings and had emphasized that quashment of such proceedings depends upon the facts and circumstances of each case and has attached primacy where such a quashment by way of compromise is essential to secure the ends of justice or to prevent abuse of the process of any Court and it is only in cases which are of very heinous or serious nature like murder, rape, dacoity or corruption etc. the courts should not come to the aid and rescue of a petitioner.

In the present case, both the sides being co-villagers have decided to bury the hatchet for all times to come. More so, this compromise to the mind of this Court would go a long way in putting an end to this hostility and would otherwise be conducive for the future life of the parties to this compromise. Thus, the Court taking a holistic and pragmatic approach feels it essential and in the interests of justice to allow the prayer made in this petition. Accordingly, FIR No.64 dated 01.05.2012 (Annexure P1) registered at Police Station Mukerian under Sections 323/324/148/149/325 IPC along with judgment of conviction dated 18.01.2016 (Annexure P2) passed by the Court of learned Sub Divisional Judicial Magistrate, Mukerian and all consequences arising thereof qua the petitioners are hereby quashed.

The petition stands allowed in those terms.

(FATEH DEEP SINGH)
JUDGE

August 24, 2016
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No