

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

CRM-M No.15451 of 2016
Date of decision: 3rd August, 2016

Kanwar Singh and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Gaurav Gupta, Advocate for the petitioners.

Mr. Munish Sharma, Asstt. Advocate General, Haryana
for respondent No.1.

Mr. Deepak Sonak, Advocate
for respondents No.2 to 6.

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 FIR No.97 dated 10.08.2002 (Annexure P1) registered at Police Station Kashola, Rewari under Sections 148/149/323/325 IPC, were found guilty for commission of said offences and the Court of learned Judicial Magistrate 1st Class, Rewari through judgment and order of sentence dated 19/26.03.2011 (Annexure P3). The Court convicted and sentenced all of them to undergo rigorous imprisonment for one year and to pay a fine of ₹1000 each under Sections 148 and 323 IPC; further to undergo rigorous imprisonment for three years and a fine of ₹1000 each under Section 325 IPC and to undergo simple imprisonment for three months in default of payment of fine.

It is at this juncture, parties have entered into a compromise and it was consequent thereupon the present jurisdiction was invoked by the petitioners/convicts.

Report of the Court below was called for, which through its report dated 25.05.2016 submits on the basis of statements of the parties that the parties have amicably compromised the matter voluntarily, without any coercion, pressure or undue influence, whereby both the sides have shown their willingness to put an end to this litigation.

Heard Mr. Gaurav Gupta, Advocate for the petitioners; Mr. Munish Sharma, Asstt. Advocate General, Haryana for respondent No.1 and Mr. Deepak Sonak, Advocate for private respondents No.2 to 6.

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 unparalleled powers to quash criminal proceedings at any stage to secure the ends of justice even after the conviction. 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 view thereof being a case of version and cross version and the offences are not of heinous nature and thus 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 interest of justice to

allow the prayer made in this petition. Thus, FIR No.97 dated 10.08.2002 (Annexure P1) registered at Police Station Kashola, Rewari under Sections 148/149/323/324/325/326 IPC along with judgment of conviction dated 19.03.2011 (Annexure P3) passed by learned Judicial Magistrate 1st Class, Rewari and all consequences arising thereof qua the petitioners are hereby quashed.

The petition stands allowed in those terms.

(FATEH DEEP SINGH)
JUDGE

August 3, 2016

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No