

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

CRM-M No.15535 of 2015

Date of decision: 19th February, 2016

Malwinder Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Divjyot S. Sandhu, Advocate
for the petitioners.

Mr. T.N. Sarup, Addl. Advocate General, Punjab
for respondent No.1.

Mr. Nitin Rampal, Advocate for
Mr. Vikram Anand, Advocate
for respondents No.2 and 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.20 dated 11.02.2008 registered at Police Station Kotwali, District Kapurthala under Sections 323/324/148/149/325/326 IPC on the complaint of present respondent No.2 Jaswant Singh, were found guilty for commission of the offences and the Court of learned Judicial Magistrate 1st Class, Kapurthala through judgment and order of sentence dated 24.01.2014 (Annexure P2) convicted and sentenced them as under:

Sr. No.	Name of convict	Under Section	Rigorous imprisonment	Fine in rupees	In default of payment of fine further R.I. for the period
1.	Malwinder Singh, Nirmaljit Singh, Geja, Baljit Kaur, Inderjit Kaur and Gurpreet Kaur	148 IPC	3 years each	3000 each	1 month each
2.	Malwinder Singh, Nirmaljit Singh, Geja, Baljit Kaur, Inderjit Kaur and Gurpreet Kaur	323 IPC	1 year each	1000 each	1 month each
3.	Nirmaljit Singh	326 IPC	3 years	3000	1 month
4.	Baljit Kaur	325 IPC	2 years	2000	1 month
5.	Malwinder Singh	324 IPC	2 years	2000	1 month

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

It is at this juncture, parties entered into a compromise in writing by way of Compromise Deed dated 02.05.2015 (Annexure P4). It was consequent thereupon the present jurisdiction was invoked by the petitioner/convicts.

Report of the Court below was called for, and learned Judicial Magistrate 1st Class, Kapurthala through its report dated 21.01.2016 after recording statements of complainant Jaswant Singh, injured Amrik Singh and the accused persons namely Malwinder Singh, Nirmaljit Singh, Geja, Baljit Kaur, Inderjit Kaur and Gurpreet Kaur, has shown its satisfaction that the compromise has been arrived at voluntarily, out of free will of the parties, without any undue influence, coercion or pressure.

Heard.

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 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**', and in the light of the satisfaction shown by the Court, being a case of version and cross-version, the fact that parties belong to the same very village and the offences for which the accused have been hauled up are not of serious nature, together with the fact that compromise will go a long

way in ironing out differences for betterment of future life of the parties, the prayer made in the petition is allowed, proceedings by way of FIR No.20 dated 11.02.2008 registered at Police Station Kotwali, District Kapurthala under Sections 323/324/148/149/325/326 IPC and all consequences arising out of the said FIR including judgment of conviction dated 24.01.2014 (Annexure P2) passed by learned Judicial Magistrate 1st Class, Kapurthala qua the petitioners are quashed.

The petition stands allowed in those terms.

(FATEH DEEP SINGH)
JUDGE

February 19, 2016

rps