

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-31284 of 2016

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Date of decision:30.11.2016

Balwinder Singh and others

.....Petitioners

v.

Dilbag Singh

.....Respondent

....

Present: Mr. Gurjinder Singh Thind, Advocate for the petitioners.

Mr. Sarbjit Singh, Advocate for the respondent.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of criminal complaint No.24497 dated 5.11.2008 (Annexure-P.1) filed for the offences under Sections 379, 324, 323, 342, 295-A, 298 and 34 IPC and the judgment dated 3.12.2015 passed by learned Judicial Magistrate Ist Class, Amritsar (Annexure-P.2) qua the petitioners as the matter has been compromised between the parties vide compromise and affidavit dated 24.8.2016 (Annexures-P.3 and 4).

The criminal complaint has been filed on the statement of complainant-Dilbag Singh on the allegations that when he requested Balwinder Singh to stop the water channel due to which his paddy crop was going to be damaged being ripped due to water, Balwinder Singh and Nirmal Kaur started giving filthy abuses to him and they entered their house. After about 15 minutes, the accused came to the tube-well of the complainant and encircled him. The complainant made hue and cry upon

which the accused attacked him with arms and inflicted injuries. The case was tried and the petitioners were convicted by learned Judicial Magistrate Ist Class vide judgment dated 3.12.2015 all the accused except accused Gurpreet Singh, who is proclaimed offender, for the offences under Section 323, 295-A and 298 IPC and acquitted them for the offences under Section 379 and 324 IPC. Accused Jang Bahadur Singh was acquitted from the charges levelled against him. The accused were sentenced to undergo rigorous imprisonment for six months each for the offences under Sections 323, 295-A and 298 IPC each. However, all the sentences were ordered to run simultaneously. Against the judgment and order of conviction and sentence, the petitioners preferred appeal before the learned Additional Sessions Judge, Amritsar, which is now pending. During the pendency of appeal, with the intervention of respectable persons of the locality, both the parties have compromised the matter and amicably settled their disputes and differences.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Judicial Magistrate Ist Class, Amritsar has sent report dated 23.9.2016 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned counsel for the complainant-respondent admits the factum of compromise and submits that they have indeed settled their

dispute, therefore, he has no objection to the quashing of the criminal complaint in view of the law laid down by the Hon'ble Supreme Court.

I have heard learned counsel for the parties and have gone through the record.

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

This Court in Sube Singh and another v. State of Haryana and another, 2013 (4) R.C.R. (Cr.) 102, has 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.”

This Court 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, has 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, conviction and sentence recorded by the trial Court.

In a decision, based on compromise, none of the parties is a loser. Rather, compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

Therefore, keeping in view the fact that the matter has been amicably settled between both the parties and the law laid down by the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, and Dr. Arvind Barsaul etc. v. State of Madhya Pradesh and another (supra) and by this Court in Sube Singh and another v. State of Haryana and another (supra), Satya Narain v. State of Haryana (supra), and Lal Chand v. The State of Haryana (supra), this petition is allowed and criminal complaint No.24497 dated 5.11.2008 (Annexure-P.1) filed for the offences under Sections 379, 324, 323, 342, 295-A, 298 and 34 IPC and the

[5]

judgment dated 3.12.2015 passed by learned Judicial Magistrate Ist Class, Amritsar (Annexure-P.2) convicting and sentencing the petitioners and all subsequent proceedings arising out of the same are hereby quashed/set aside qua the petitioners.

November 30, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No