

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-36631 of 2015

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Date of decision:7.1.2016

Roop Singh and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

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(2) Criminal Misc. No.M-36490 of 2015

.....

Surjit Singh

.....Petitioner

v.

State of Punjab and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Parveen Kumar Garg, Advocate for the petitioners in Cr. Misc. No.M-36631 of 2015 and for respondents No.2 to 5 in Cr. Misc. No.M-36490 of 2015.

Mr. Ritesh Pandey, Advocate for the petitioner in Cr. Misc. No.M-36490 of 2015 and for respondent No.2 in Cr. Misc. No.M-36631 of 2015.

Mr. P.S. Grewal, Deputy Advocate General, Punjab for the respondent-State.

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Inderjit Singh, J.

This order will dispose of the above mentioned two criminal miscellaneous petitions i.e. Criminal Misc. No.M-36631 of 2015 filed

under Section 482 Cr.P.C. for quashing of FIR No.84 dated 9.12.2010 registered for the offences under Sections 324, 323, 148 and 149 IPC (and Section 326 IPC, which was added later on) at Police Station Cheema, District Sangrur and Criminal Misc. No.M-36490 of 2015 filed for quashing of cross-case registered for the offences under Sections 324, 323 and 34 IPC in FIR No.84 dated 9.12.2010 along with all consequential proceedings arising out of the same including judgments of conviction and orders of sentence dated 5.2.2015 (Annexure-P2) passed by learned trial Court on the basis of compromise dated 9.10.2015.

The FIR has been registered on the statement of Dev Singh father of respondent No.2-Surjit Singh in Criminal Misc. No.M-36631 of 2015 and a cross-case has also been registered against said Dev Singh and his son (respondent No.2) as dispute arose as a result of fight between the parties in which injuries were received by both the parties i.e. in FIR case and cross-case. This is a case of version and cross-version. During the pendency of the trial in the present cases, said Dev Singh died and the case was pursued by respondent No.2-Surjit Singh, who was also a victim as per the allegations levelled in the FIR case. Vide separate judgments of conviction and orders of sentence dated 5.2.2015 passed by Sub Divisional Judicial Magistrate, Sunam, the accused/petitioners in both the petitions have been convicted and sentenced for the offences under Sections 326, 324, 323, 148 and 149 IPC in FIR case and for the offences under Sections 324 and 323 IPC in cross-case. Both the parties filed separate appeals before the appellate Court which are pending before learned Additional

Sessions Judge, Sangrur. During the pendency of appeals, now with the intervention of the respectable persons, the matter has been amicably sorted out between both the parties and compromise has been entered into.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned appellate Court for getting their statements recorded in support of the compromise. After doing the needful, learned Additional Sessions Judge, Sangrur has sent his two reports No.664 and 663 dated 12.12.2015 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine.

Learned Deputy Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for complainants admit the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR and the cross-version in view of the law laid down by the Hon'ble Supreme Court.

I have heard learned counsel for the petitioners as well as learned Deputy Advocate General, Punjab and have gone through the record.

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), these petitions are allowed. FIR No.84 dated 9.12.2010 registered for the offences under Sections 324, 323, 148 and 149 IPC (and Section 326 IPC, which was added later on) at Police Station Cheema, District Sangrur and cross-case registered for the offences under Sections 324, 323 and 34 IPC in FIR No.84 dated 9.12.2010 along with judgments of conviction and orders of sentence dated 5.2.2015 (Annexure-P.2) passed by learned trial Court as well as all other subsequent proceedings arising out of the same are hereby quashed/set aside on the basis of compromise.

January 7, 2016.

(Inderjit Singh)
Judge

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