

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-41271 of 2016 (O&M)

Date of decision: December 23, 2016

Munish Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Amit Kumar, Advocate
for the petitioner.

Mr. Varun Sharma, AAG, Punjab.

Mr. Joginder Pal Singh, Advocate for
Mr. Dilraj Kaur, Advocate
for respondent No.2.

INDERJIT SINGH, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.168 dated 10.11.2013 (Annexure P-1) registered for the offences under Sections 279, 337 and 338 IPC at Police Station Sahnewal, District Ludhiana, and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Harmandeep Kaur on the allegations that the accused-petitioner while driving his vehicle in rash and negligent manner caused the simple as well as grievous injuries to the complainant. The case was tried and the petitioner was convicted by learned trial Court and was sentenced to undergo rigorous imprisonment for six months each for the offences under Sections 279 and

337 of Indian Penal Code and to undergo rigorous imprisonment for a period of one year for the offence under Section 338 of Indian Penal Code. Against the judgment and order of conviction and sentence, the petitioner preferred an appeal which is now before the learned Additional Sessions Judge Ludhiana. 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 Additional Sessions Judge, Ludhiana, before whom the appeal is pending, has sent his report dated 09.12.2016 submitting that the compromise arrived at between the parties is genuine and has been effected between the parties of their own free will and without pressure from any quarter.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for complainant-respondent No.2 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 complaint in view of the law laid down by the Hon'ble Supreme Court.

I have heard learned counsel for the petitioner as well as learned Assistant Advocate General, Haryana and learned counsel for complainant-respondent No.2 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. Nonacceptance 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 unparalleled 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. FIR No.168 dated 10.11.2013 (Annexure P-1) registered for the offences under Sections 279, 337 and 338 IPC at Police Station Sahnewal, District Ludhiana and the judgment/order passed by the Court of learned trial Court, Ludhiana, whereby the petitioners were convicted and all the subsequent proceedings/orders arising thereto are quashed/set aside on the basis of compromise.

December 23, 2016

rajesh k.khurana

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether Reportable	:	No