

CRM-M No.5608 of 2015

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

CRM-M No.5608 of 2015

Date of decision: January 13, 2016

Sukhdev 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. M.S.Basra, Advocate, for the petitioners.
Mr. C.S.Brar, DAG, Punjab, for respondent No.1.
Mr. Ankit Duggal, Advocate, for respondents no. 2 to 4

FATEH DEEP SINGH, J.

In the present petition preferred under Section 482 Cr.P.C., the convicts/petitioners, who were tried in a criminal case bearing FIR No. 84 dated 28.5.2008 (Annexure P1) registered at Police Station Dhariwal, District Gurdaspur, under Sections 452, 325, 324, 323, 148, 149 IPC on the complaint of present respondent No.2 Sukhwinder Kaur, were found guilty for commission of offences under Section 452, 325, 324, 323, 148, 149 IPC and the Court of learned Chief Judicial Magistrate, Gurdaspur through judgment and order of sentence dated 7.1.2015 (Annexure P2)

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convicted and sentenced each of them to undergo maximum rigorous imprisonment for one year.

The same was challenged by the convicts/petitioners by way of appeal before the first appellate Court of learned Additional Sessions Judge, Gurdaspur whereby conviction and sentence of the petitioners stood suspended.

It is at this juncture, parties entered into a compromise in writing by way of Compromise Deed dated 29.1.2015 (Annexure P3). 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 31.3.2015 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 the complainant has shown her resolve to put an end to this squabble and has considered so the compromise.

Heard Mr. M.S.Basra, Advocate, for the petitioners, Mr. C.S.Brar, DAG, Punjab, for respondent No.1 and Mr. Ankit Duggal, Advocate, for respondents no. 2 to 4.

Learned counsel for the petitioner have 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 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 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 the light of the satisfaction shown by the Court below and in view of the fact that compromise will go a long way in resolving the personal dispute and to bring about personal harmony, being neighbours and more-so the offences for which the accused have been booked are not of very serious nature. Thus, this Court taking a holistic and pragmatic approach feels it essential and in the interest of justice to allow the prayer made in this

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petition. Thus, FIR No. 84 dated 28.5.2008 (Annexure P1) registered at Police Station Dhariwal, District Gurdaspur, under Sections 452, 325, 324, 323, 148, 149 IPC along with judgment of conviction dated 7.1.2015 (Annexure P2) passed by learned Chief Judicial Magistrate, Gurdaspur and all consequences arising thereof are hereby quashed.

The petition stands allowed in those terms.

(FATEH DEEP SINGH)
JUDGE

January 13, 2016
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