

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-925 of 2013 (O&M)

.....

Date of decision:27.10.2016

Ankit and others

.....Petitioners

v.

State of Haryana and another

.....Respondents

....

(2) Criminal Misc. No.M-926 of 2013 (O&M)

.....

Subhash Chander and others

.....Petitioners

v.

State of Haryana and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Sandeep Singhal, Advocate for the petitioners in
Cr. Misc. No.M-925 of 2013 and for respondents No.2 and 3 in
Cr. Misc. No.M-926 of 2013.

Mr. Narender Kumar Sharma and Ms. Suman Sharma,
Advocate for the petitioners in Cr. Misc. No.M-926 of 2013
and for respondent No.2 in Cr. Misc. No.M-925 of 2013.

Mr. Brijesh Sharma, Assistant Advocate General, Haryana
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-925 of 2013 filed under
Section 482 Cr.P.C. for quashing of criminal complaint No.96-1/2010 dated

21.2.2005 filed under Sections 148, 149, 323, 452 and 506 IPC and Cr. Misc. No.M-926 of 2013 filed for quashing FIR No.237 dated 12.9.2004 registered for the offences under Sections 323, 324, 326 and 34 IPC at Police Station Samalkha, District Panipat and all subsequent orders of the Lower Courts and the proceedings thereto pending in the learned Lower Court on the basis of compromise.

The criminal complaint and FIR were got filed/registered against each other by the petitioners of both the petitions as dispute arose as a result of fight between the parties in which injuries were received by both the parties. This is a version and cross-version. The trial in both the cases i.e. the FIR as well as the complaint case ensued and both the parties i.e. the petitioners as well as private respondents were convicted and sentenced vide separate judgments dated 9.4.2012 passed by learned Chief Judicial Magistrate, Panipat. Both the parties preferred criminal appeals before the learned Additional Sessions Judge, Panipat, which have been dismissed as withdrawn vide orders dated 2.1.2013 as a compromise has been arrived at between the parties and they do not want to proceed further with the criminal proceedings during the pendency of appeals and the matter has been amicably sorted out between both the parties.

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, Panipat has sent his two reports dated 15.9.2016 submitting that the compromise arrived at between

the parties is without any pressure or coercion from any one and the same is genuine.

Learned Assistant 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 criminal complaint 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 Assistant Advocate General, Haryana 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. Criminal complaint No.96-1/2010 dated 21.2.2005 filed under Sections 148, 149, 323, 452 and 506 IPC and FIR No.237 dated 12.9.2004 registered for the offences under Sections 323, 324, 326 and 34 IPC at Police Station Samalkha, District Panipat and all subsequent orders of the Lower Courts, whereby the petitioners have been convicted and sentenced as well as all other subsequent proceedings arising therefrom are quashed/set aside on the basis of compromise.

October 27, 2016.

(Inderjit Singh)
Judge

hsp

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