

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

**CRR No.1075 of 2015
Date of Decision: April 29, 2016**

Prem Chand

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. C.S. Brar, DAG, Punjab.

FATEH DEEP SINGH, J.

Appellant-Prem Chand was found guilty and convicted under Sections 498-A and 406 IPC by the learned Judicial Magistrate 1st Class, Gurdaspur through judgment dated 20.01.2011 and was sentenced to undergo rigorous imprisonment for 01 year with fine of ₹1000/- and in default thereof to undergo further rigorous imprisonment for 15 days which findings were challenged by the appellant by way of an appeal before the learned Additional Sessions Judge, Gurdaspur which stood dismissed vide order dated 12.3.2015.

Against these findings, the appellant has invoked the jurisdiction of this Court by way of the instant revision petition.

During the pendency of this revision petition, a criminal miscellaneous application has been filed for placing on record compromise arrived at between the parties Annexure R/1 and a request was made for quashment of judgment of conviction on the basis of a compromise, Annexure R/1 whereupon parties were directed to get their statements recorded before the trial Court and a report of the Court

below was called for, which through its report dated 7.4.2016 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 his resolve to put to an end to this squabble and has considered so the compromise.

Heard, learned counsel for the appellants as well as learned State counsel.

Learned counsel for the petitioner has 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 such 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, and more-so the offences for which the accused has 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 petition. Thus, judgment of conviction dated 20.01.2011 passed by learned Judicial Magistrate 1st Class Gurdaspur as well as judgement dated 12.03.2015 passed by Additional Sessions Judge Gurdaspur and all consequences arising thereof are hereby quashed.

The revision petition stands disposed off in the light of the same having become infructuous.

(FATEH DEEP SINGH)
JUDGE

April 29, 2016
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