

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

Criminal Revision No. 4593 of 2015

Date of decision: January 22, 2016

Kala @ Harwinder Singh and another

....Petitioners

Versus

State of Punjab and another

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

1. Whether the Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Upender Prasher, Advocate for the petitioners
Mr. Gurveer Sidhu, AAG, Punjab
Mr. Saurabh Garg, Advocate, for respondent no. 2

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. 50 dated 8.4.2011, registered at Police Station Sadar Sangrur, under Sections 326,324,323 read with section 34 IPC on the complaint of present respondent No.2-Jaswant Kaur, were found guilty for commission of

offences under Sections 326/323/34 IPC and the Court of learned Judicial Magistrate 1st Class, Sangrur through judgment and order of sentence dated 23.12.2014 convicted and sentenced them to undergo maximum imprisonment for three years.

The same was challenged by the convict/petitioners by way of appeal before the first appellate Court of learned Additional Sessions Judge, Sangrur whereby vide judgment dated 3.11.2015 while maintaining their conviction, the sentence was reduced from three years to one and half years of petitioner no. 1-Kala Singh @ Harwinder Singh and to one year of petitioner no. 2-Harmail Singh alias Gurmail Singh.

Now the petitioners have approached this Court by way of present revision petition. At this juncture, parties entered into a compromise in writing by way of Compromise Deed dated 19.1.2015 (Annexure P1).

Report of the Court below was called for, which through its report dated 12.01.2016 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 her resolve to put an end to this squabble and has supported the compromise Annexure P1.

Heard Mr. Upender Prasher, Advocate for the petitioners, Mr. Gurveer Sidhu, AAG, Punjab and Mr. Saurabh Garg, Advocate, for respondent no. 2.

Learned counsel for the petitioners 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 unparallel 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 and thus, this compromise to the mind of this Court would go a long way in putting an end to this hostility and would otherwise be conducive for the future lives of the parties to this compromise. 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, FIR No. 50 dated 8.4.2011, registered at Police Station Sadar Sangrur, under Sections 326,324,323 read with section 34 IPC along with judgments of conviction dated 23.12.2014 of the Court of learned Judicial Magistrate 1st Class, Sangrur and of the Court of learned Additional Sessions Judge, Sangrur dated 3.11.2015 and all consequences arising thereof are hereby quashed.

The petition stands allowed in those terms.

January 22, 2016
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(Fateh Deep Singh)
Judge