

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-15597 of 2017
Date of Decision:18.09.2017

Rimpy Singh and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. A.S. Khosa, Advocate
for the petitioners.

Mr. Rajinder Kantiwal, Advocate
for respondents No.2 and 3.

Mr. V.G. Jauhar, Senior DAG, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

Seen the report sent up by the Ld. Additional Sessions Judge, Fazilka in which it has been mentioned that the compromise arrived at between the parties was found to be genuine. Statements of the parties recorded by the learned Additional Sessions Judge in this regard have also been sent along with the report.

It may be mentioned that the petitioners were originally convicted of the offences under Sections 452, 323, 148 and 149 of the IPC, vide judgment passed by the Ld. JMIC, Abohar on 23.10.2015 (Annexure P-2).

Admittedly, none of these offences falls under the category of “heinous or against the public at large” in view of the decision of the

Hon'ble Supreme Court in “Gian Singh Vs. State of Punjab and another”, 2012(4) RCR (Criminal) 543 and “Narinder Singh and Others Vs. State of Punjab and Another”, (2014) 6 SCC 466.

In 'Sube Singh and another Vs. State of Haryana and another', 2013(4) R.C.R. (Criminal) 102, a Division Bench of this Court has held that “there is no statutory embargo against invoking power under Sections 482 Cr.P.C. after conviction of a accused by the trial Court and during the pendency of appeal against such conviction”.

In the given circumstances and in view of the amicable compromise arrived at between the parties concerned, this also appears to be a fit case for quashing the proceedings in exercise of the Court's power under Section 482 Cr.P.C.

Consequently, the instant petition is allowed and the judgment and order dated 23.10.2015 passed by the Ld. JMIC (Annexure P-2) is set aside on the basis of compromise arrived at between the parties.

(SUDIP AHLUWALIA)
JUDGE

18.09.2017
pvd

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No