

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-19442 of 2017

.....

Date of decision:8.11.2017

Charanjit Singh alias Laddi and another

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Arnav Sood, Advocate for the petitioners.

Ms. Simranjeet Kaur, Assistant Advocate General, Punjab
for the respondent-State.

Mr. Sandeep Sharma, Advocate for complainant-respondents
No.2 and 3.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of criminal complaint No.118 dated 10.3.2008 titled as “Jaswinder Singh Vs. Charanjit Singh and another” (Annexure-P.1) filed for the offences under Sections 341, 323, 324, 326, 307, 148 and 149 IPC, the impugned judgment of conviction and order of sentence dated 18.7.2016 (Annexure-P.2) passed by learned Sub Divisional Judicial Magistrate, Dasuya and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.4).

The criminal complaint has been filed by the complainant-
Jaswinder Singh on the allegations that the accused-petitioners attacked him

and respondent No.3 and inflicted injuries. The petitioners were summoned by the trial Court in the aforesaid criminal complaint and after the completion of trial the petitioners were convicted under Sections 326, 326 read with Section 34 IPC and Section 323 read with Section 34 IPC vide judgment dated 18.4.2016 (Annexure-P.2) passed by learned Sub Divisional Judicial Magistrate, Dasuya and sentenced to undergo rigorous imprisonment for three years each and to pay a fine of ₹1,000/- each and in default of payment of fine to further undergo rigorous imprisonment for one month each for the offence under Section 326 IPC. They were further sentenced to undergo rigorous imprisonment for three years each and to pay a fine of ₹1,000/- each and in default of payment of fine to further undergo rigorous imprisonment for one month each for the offence under Section 326 read with Section 34 IPC. They were further sentenced to undergo rigorous imprisonment for six months each for the offences under Section 323 IPC and Section 323 read with Section 34 IPC each on two counts. Feeling aggrieved with the judgment (Annexure-P.2), the petitioners preferred an appeal before the learned Sessions Judge, Hoshiarpur which is pending. Now during the pendency of criminal appeal with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

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, Hoshiarpur has sent report

dated 4.10.2017 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for the complainant-respondents No.2 and 3 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 complaint in view of the law laid down by the Hon'ble Supreme Court.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

The 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), this petition is allowed. Criminal complaint No.118 dated 10.3.2008 titled as “Jaswinder Singh Vs. Charanjit Singh and another” (Annexure-P.1) filed for the offences under Sections 341, 323, 324, 326, 307, 148 and 149 IPC and all the subsequent proceedings arising therefrom including the impugned judgment of conviction and order of sentence dated 18.7.2016 (Annexure-P.2) passed by learned Sub Divisional Judicial Magistrate, Dasuya, vide which the petitioners have been convicted and sentenced for the offences under Sections 326, 326 read with Section 34 IPC and Section 323 read with Section 34 IPC are hereby quashed/set aside on the basis of compromise (Annexure-P.4) qua the petitioners.

November 8, 2017.

(Inderjit Singh)
Judge

hsp

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