

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20605 of 2016
Date of Decision: 06 December, 2017

Tarsem and others ...Petitioners

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Himanshu Rao, Advocate
for Mr. Jaswinder Singh, Advocate
for the petitioners.

Mr. Munish Sharma, AAG, Haryana.

Mr.Amandeep S. Rai, Advocate
for respondent No.2.

FATEH DEEP SINGH, J.

Petitioners-Tarsem, Sher Jang Singh, Davinder Kumar and Shakti Singh were found guilty and convicted under Sections 466, 471 and 120-B IPC by the learned Judicial Magistrate 1st Class Kaithal through judgment dated 23.12.2014 (Annexure P/2) and were sentenced as under:-

Section 466, 120-B IPC	Rigorous imprisonment of 03 years and to pay fine of Rs.,2000/-.	In default of payment of fine to undergo simple imprisonment for two months.
Under Sections 471, 120 B	Rigorous imprisonment for 02 years and to pay fine of Rs.2000/-	In default of payment of fine simple imprisonment for two month.

A petition seeking quashment of complaint dated 18.02.2009 (Annexure P/1) titled as Jaswant Singh vs. Shakit Singh and others under Sections 466,467,471,120-B,34 IPC and all consequent

proceedings including judgment of conviction on the basis of a compromise arrived at between the parties has been filed, whereupon report of the Court below was called for, which through its report dated 30.05.2017 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 petitioners as well as learned State counsel.

Learned counsel for the petitioners have 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 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, being neighbours and more-so the offences for which the accused have 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, complaint dated 18.02.2009 (Annexure P/1) titled as Jaswant Singh vs. Shakit Singh and others under Sections 466,467,471,120-b,34 IPC and all consequent proceedings arising therefrom along with judgment of conviction dated 23.12.2014 (Annexure P/2) passed by learned Judicial Magistrate 1st Class Kaithal and all consequences arising thereof are hereby quashed.

The appeal stands disposed off in those terms.

(FATEH DEEP SINGH)
JUDGE

December 06, 2017
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No