

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-28615 of 2017

.....

Date of decision:20.11.2017

Baljeet Singh and others

.....Petitioners

v.

State of Haryana and others

.....Respondents

....

(2) Criminal Misc. No.M-28386 of 2017

.....

Mangal Singh and another

.....Petitioners

v.

State of Haryana and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Anirudh Singh Shera, Advocate for the petitioners in Cr. Misc. No.M-28615 of 2017 and for respondents No.2 and 3 in Cr. Misc. No.M-28386 of 2017.

Mr. Parveen Sharma, Advocate for the petitioners in Cr. Misc. No.M-28386 of 2017 and for respondents No.2 to 5 in Cr. Misc. No.M-28615 of 2017.

Mr. Brijesh Sharma, Assistant Advocate General, Haryana for the respondent-State.

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Inderjit Singh, J.

This order will dispose of the above mentioned two criminal miscellaneous petitions i.e. Criminal Misc. No.M-28615 of 2017 filed under Section 482 Cr.P.C. for quashing of FIR No.460 dated 18.9.2009 registered for the offences under Sections 148, 149, 323, 324, 506 and 452

IPC and (Section 326 IPC, which was added later on) at Police Station Assandh, District Karnal and Criminal Misc. No.M-28386 of 2017 filed for quashing of cross-case dated 6/7.10.2009 registered for the offences under Sections 323, 325 and 34 IPC in FIR No.460 dated 18.9.2009; impugned judgments of conviction dated 12.3.2015 and 16.3.2015 and the orders of sentence dated 19.3.2015 (Annexures-P.3 and P.4) and all other subsequent proceedings arising therefrom on the basis of compromise.

The FIR and the cross-case were got registered against each other by the petitioners of both the petitions as dispute arose as a result of fight between the parties in which injuries were received by both the parties. This is a case of version and cross-version. After the trial, the accused were convicted and sentenced vide two separate judgments of conviction dated 12.3.2015 and 16.3.2015 and the orders of sentence dated 19.3.2015 (Annexures-P.3 and P.4) passed by the learned Judicial Magistrate Ist Class, Assandh (Karnal). The accused preferred appeals against these judgments, which are pending before the learned Additional Sessions Judge, Karnal. During the pendency of the appeals, now with the intervention of respectable persons, both the parties have arrived at an amicable settlement and have effected a compromise.

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, Karnal has sent two reports dated 2.11.2017 in both the cases submitting that the compromise arrived at

between the parties is without any pressure or coercion from any one and the same is genuine.

Learned Assistant Advocate General, Haryana, on instructions from the Investigating Officer and learned counsel for complainants 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 FIR and the cross-case 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.

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), these petitions are allowed. FIR No.460 dated 18.9.2009 registered for the offences under Sections 148, 149, 323, 324, 506 and 452 IPC and (Section 326 IPC, which was added later on) at Police Station Assandh, District Karnal and cross-case dated 6/7.10.2009 registered for the offences under Sections 323, 325 and 34 IPC in FIR No.460 dated 18.9.2009; impugned judgments of conviction dated 12.3.2015 and 16.3.2015 and the orders of sentence dated 19.3.2015 passed by the learned Judicial Magistrate Ist Class, Assandh (Karnal) (Annexures-P.3 and P.4) and all other subsequent proceedings arising out of the same are hereby quashed/set aside qua the petitioners.

November 20, 2017.

(Inderjit Singh)
Judge

hsp

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