

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-41143 of 2016

.....

Date of decision:15.11.2017

Balwinder Singh S/o Gurbax Singh and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

(2) Criminal Misc. No.M-41234 of 2016

.....

Balwinder Singh S/o Kartar Singh and another

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

**Coram: Hon'ble Mr. Justice Inderjit Singh**

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Present: Mr. Ashish Aggarwal, Advocate for the petitioners in Cr. Misc. No.M-41143 of 2016 and for respondents No.2 and 3 in Cr. Misc. No.M-41234 of 2016.

Mr. Vaibhav Mittal, Advocate for Mr. D.S. Gandhi, Advocate for the petitioners in Cr. Misc. No.M-41234 of 2016 and for respondent No.2 in Cr. Misc. No.M-41143 of 2016.

Mr. Ayush Sarna, Assistant Advocate General, Punjab 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-41143 of 2016 filed under Section 482 Cr.P.C. for quashing of FIR No.52 dated 19.6.2007 registered for the offences under Sections 324 and 34 IPC at Police Station

Goindwal Sahib, District Tarn Taran and Criminal Misc. No.M-42234 of 2016 filed for quashing of cross-case dated 19.6.2007 registered for the offences under Section 326, 325, 323 and 34 IPC in FIR No.52 dated 19.6.2007; the impugned judgments of conviction and the orders of sentence dated 13.11.2014 passed by the learned Sub Divisional Judicial Magistrate, Khadur Sahib convicting and sentencing the petitioners 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, vide judgments of conviction and the orders of sentence dated 13.11.2014 passed by the learned Sub Divisional Judicial Magistrate, Khadur Sahib, the petitioners were convicted the petitioners for the offences under Section 324 IPC (in Case No.9) and under Sections 326, 325 and 323 IPC (in case No.15) and sentenced to undergo rigorous imprisonment for one year. Both the parties preferred criminal appeals before the learned Sessions Judge, Tam Taran, which are pending. During the pendency of appeals, now with the intervention of the respectable persons, the matter has been amicably sorted out between both the parties and compromise has been entered into.

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 Sub Divisional Judicial Magistrate, Khadur Sahib has

sent his two reports dated 14.7.2017 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, Punjab, 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 criminal 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 Assistant Advocate General, Punjab 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.52 dated 19.6.2007 registered for the offences under Sections 324 and 34 IPC at Police Station Goindwal Sahib, District Tarn Taran and cross-case dated 19.6.2007 registered for the offences under Section 326, 325, 323 and 34 IPC in FIR No.52 dated 19.6.2007; the impugned judgments of conviction and the orders of sentence dated 13.11.2014 passed by the learned Sub Divisional Judicial Magistrate, Khadur Sahib, whereby the petitioners have been convicted and sentenced in both the cases as well as all other subsequent proceedings arising therefrom are quashed/set aside on the basis of compromise qua the petitioners.

November 15, 2017.

**(Inderjit Singh)**  
**Judge**

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| <b>NOTE:</b> | Whether speaking/reasoned: | Yes |
|              | Whether reportable:        | No  |