

CRM No. M-43564 of 2015(O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM No. M-43564 of 2015(O&M)
Date of Decision : 09.08.2017**

Anayat Masih and others

...Petitioners

Versus

Nazar Masih and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Puneet Sharma, Advocate for
Mr. Sandeep Arora, Advocate for the petitioners.

Mr. Gagandeep Singh, Advocate for
Mr. A.S. Manaise, Advocate for the respondents.

Anupinder Singh Grewal, J.(Oral)

The petitioners are seeking quashing of complaint bearing No. 291/2008 instituted on 14.09.2007, under Sections 452, 326, 323, 504, 506, 34 IPC and all consequential proceedings arising therefrom including conviction order dated 02.07.2013 passed by Judicial Magistrate Ist Class, Gurdaspur, on the basis of compromise dated 06.12.2015 (Annexure P-3), which has been arrived at between the parties.

Learned counsel for the petitioners contends that the complaint is the outcome of a minor dispute between neighbours, which has now been resolved with the intervention of the respectables.

Learned counsel for the respondents states that the matter has indeed been compromised.

A coordinate Bench of this Court vide order dated 22.12.2015 had directed the trial Court to record the statements of the parties with regard to genuineness of the compromise and send a report to this Court. The report of the

Additional District and Sessions Judge, Gurdaspur, dated 02.02.2016, has been received, wherein it is stated that in pursuance to the order of this Court, the statements of the parties were recorded, which indicates that they have entered into compromise voluntarily and without any pressure or undue influence.

Learned counsel for the petitioners has placed reliance upon a judgment of Single Bench of this Court in CRM-M No. 16531 of 2016 titled *Sukhdev Singh and others Vs. State of Punjab and another*, decided on 02.09.2016 and judgment of a Division Bench of this Court in the case of *Sube Singh and another Vs. State of Haryana and another*, 2013(4) RCR(Criminal) 102, wherein it has been held that this Court under Section 482 of the Cr.P.C. is empowered to quash criminal proceedings at any stage including the pendency of appeal to secure the ends of justice.

The instant complaint is outcome of a minor dispute between neighbours, which has now been resolved with the intervention of the respectables. It would be in the interest of justice if the complaint and all consequential proceedings arising therefrom including order of conviction are set-aside to enable the parties to live in peace and harmony.

Consequently, the conviction and order of sentence dated 02.07.2013 passed by Judicial Magistrate Ist Class, Gurdaspur, is set-aside. The appeal preferred by the petitioners against the aforesaid judgment and order is rendered infructuous and shall be declared so by the first Appellate Court.

(ANUPINDER SINGH GREWAL)
JUDGE

August 09, 2017
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Whether speaking/reasoned?
Whether reportable?

Yes
No