

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No.M-5061 of 2016 (O&M)
Date of Decision: 14.02.2017

Jagjit Singh & others

Versus

--Petitioners

State of Punjab & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Mohd. Yousaf, Advocate for the petitioners.
Mr. Varun Sharma, AAG, Punjab.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of the instant petition filed under Section 482 Cr.P.C. seeking quashing of FIR No.76, dated 08.06.2010, under Sections 323/324/506/34 IPC, registered at Police Station Ahmedgarh, District Sangrur.

Petitioners stand convicted vide judgment dated 21.02.2015 passed by the trial Court for offence under Sections 326/324/323/506 read with Section 34 IPC and have been sentenced as under:

Sr. No.	Name of the convict	Convicted u/s	Sentence
1.	Jagjit Singh	326 IPC	RI one year and to pay fine of Rs.1000/-. In default thereof to further undergo imprisonment for one month.
		324/34 IPC	RI six months and to pay fine of Rs.500/-. In default thereof to further undergo imprisonment for 15 days.
		323/34 IPC	RI three months and to pay fine of Rs.500/-. In default thereof to further undergo imprisonment for 15 days.
		506/34 IPC	RI three months and to pay fine of Rs.500/-. In default thereof to further undergo imprisonment for 15 days.
2.	Mukand Singh	326 IPC	RI one year and to pay fine of Rs.1000/-. In default thereof to further undergo imprisonment for one month.

<i>Sr. No.</i>	<i>Name of the convict</i>	<i>Convicted u/s</i>	<i>Sentence</i>
		324/34 IPC	RI six months and to pay fine of Rs.500/-. In default thereof to further undergo imprisonment for 15 days.
		323/34 IPC	RI three months and to pay fine of Rs.500/-. In default thereof to further undergo imprisonment for 15 days.
		506/34	RI three months and to pay fine of Rs.500/-. In default thereof to further undergo imprisonment for 15 days.
3.	Nirbhai Singh	326 IPC	RI one year and to pay fine of Rs.1000/-. In default thereof to further undergo imprisonment for one month.
		324/34 IPC	RI six months and to pay fine of Rs.500/-. In default thereof to further undergo imprisonment for 15 days.
		323/34 IPC	RI three months and to pay fine of Rs.500/-. In default thereof to further undergo imprisonment for 15 days.
		506/34 IPC	RI three months and to pay fine of Rs.500/-. In default thereof to further undergo imprisonment for 15 days.

Petitioners have preferred an appeal against the judgment of conviction and which is pending before the Sessions Court, Sangrur.

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR itself on the basis of compromise which is stated to have been effected between the parties.

Since quashing was sought on the basis of compromise, this Court in the light of order dated 03.11.2016 had directed the parties to have their statements recorded before the Appellate Court.

Placed on record is a report dated 23.11.2016 of the learned Additional Sessions Judge, Sangrur and a perusal thereof would reveal that statements of the accused party/petitioners herein as also of the complainants/respondents No.2 and 3 have been duly recorded and it has been opined that a compromise has been effected without any pressure or coercion.

The issue as to whether criminal proceedings to be quashed by the High Court in exercise of its powers under Section 482 Cr.P.C. even after the accused have been found guilty and convicted by the trial Court and the matter is pending in appeal before the Appellate Court came up for consideration before a Division Bench of this Court in **Sube Singh and another Versus State of Haryana another, 2013 (4) RCR(Criminal) 102.**

The question formulated was answered in the affirmative and it was held as follows:

“(16) As regards the doubt expressed by the learned Single Judge whether the inherent power under Section 482 Criminal Procedure Code to quash the criminal proceedings on the basis of compromise entered into between the parties can be invoked even if the accused has been held guilty and convicted by the trial Court, we find that in Dr.Arvind Barsaul etc. vs. State of Madhya Pradesh & Anr., 2008(2) R.C.R. (Criminal) 910: (2008) 5 SCC 794, the unfortunate matrimonial dispute was settled after the appellant (husband) had been convicted under Section 498-A Indian Penal Code and sentenced to 18 months’ imprisonment and his appeal was pending before the first appellate court. The Apex Court quashed the criminal proceedings keeping in view the peculiar facts and circumstances of the case and in the interest of justice observing that “continuation of criminal proceedings would be an abuse of the process of law” and also by invoking its power under Article 142 of the Constitution. Since the High Court does not possess any power akin to the one under Article 142 of the Constitution, the cited decision cannot be construed to have vested the High Court with such like unparallel power.

(17) 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.”

Adverting back to the facts of the present case, the altercation and occurrence has taken place on account of felling of trees on the common boundary of the fields of the parties concerned.

In the considered view of this Court, the compromise that has been effected between the parties can be taken notice of as it would bring to an end the dispute between the parties and would promote peace and harmony amongst the residents of the village.

In the light of the compromise effected and which has been duly verified in the light of the report dated 23.11.2016 from the Court of learned Additional Sessions Judge, Sangrur, the present petition is allowed. The impugned FIR No.76, dated 08.06.2010, under Sections 323/324/506/34 IPC, registered at Police Station Ahmedgarh, District Sangrur is quashed in the light of the compromise arrived at between the parties. As a necessary corollary, the judgment of conviction dated 21.02.2015 as also the order of sentence passed by the trial Court dated 21.02.2015 against the petitioners is set aside. Resultantly, the appeal preferred by the petitioners against the afore noticed judgment of conviction dated 21.02.2015 would be rendered infructuous and shall be so declared by the first Appellate Court.

Petition allowed in the aforesaid terms.

14.02.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | Yes |