

In the High Court of Punjab and Haryana at Chandigarh

Criminal Misc. No. M-8034 of 2016

Date of Decision: 18.9.2017

Prem Pal and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Jagjeet Singh, Advocate for
Mr. R.S.Manhas, Advocate
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

None for respondent No. 2.

HARI PAL VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C. for quashing of F.I.R. No. 129 dated 6.8.2008 under Section 326, 323, 324, 325, 506 IPC, registered at Police Station Sadar Pathankot, (Annexure P-1) as well as judgment of conviction and order of sentence dated 31.3.2015 (Annexure P-2) and all subsequent proceedings arising therefrom on the basis of compromise dated 27.1.2016 (Annexure P-3)

This Court vide order dated July 18, 2017 had directed the parties to appear before the appellate Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties.

Pursuant to the aforesaid order, parties have appeared before learned Sessions Judge, Pathankot and got their statements recorded. On the basis of the statements so recorded, the appellate Court has submitted its report dated 16.8.2017 to the effect that the compromise arrived at between the parties is genuine, voluntary and without any pressure or undue coercion.

The factum of compromise between the parties has not been disputed by learned State counsel.

I have heard learned counsel for the parties.

Perusal of the report submitted by learned appellate Court reveals that statement of respondent No.2-complainant Vijay Kumar has been recorded by learned Sessions Judge on 14.08.2017. Said statement of respondent No.2-complainant, who is author of the FIR in question, made before the appellate Court is being reproduced as under:-

“I have compromised the matter with the appellant-accused namely Prem Pal son of Ami Chand, Deepak Kumar son of Prem Pal, Pardeep Kumar son of Prem Pal and appellant-accused Surjit Singh alias Surjit Kumar son of Charanji Lal, all residents of Kothi Panditan, Pathankot, in case bearing FIR No. 129 Dt. 06.08.2008, under Section 326, 323, 324, 325, 506, 34 IPC, P.S. Sadar Pathankot with the intervention of respectables. The compromise has been effected voluntarily without any threat, coercion or undue influence. None of the accused is a proclaimed offender. I agree that the rights of the third party if any will not be affected by this compromise arrived between us. I have no objection if the proceedings of this FIR may be quashed. Copy of compromise bearing my signature and signatures of accused namely (i) Prem Pal son of Ami Chand, (ii) Deepak Kumar son of Prem Pal, (iii) Pardeep Kumar son of Prem Pal and (iv) Surjit Singh alias

Surjit Kumar son of Charanji Lal, all residents of Kothi Panditan, Pathankot is Ex. C-1. Compromise dated 27.01.2016 was signed by the parties in the presence of witnesses namely (i) Madan Lal son of Banta Ram resident of village Kothi Panditan, (ii) Janak Raj son of Charanji Lal, resident of village Kothi Panditan and (iii) myself Vijay Singh son of Rasal Singh, resident of village Dehriwal, Tehsil Pathankot and these witnesses and myself had also signed the said compromise in the presence of the parties.”

This Court in the case of ***Sube Singh and another Versus State of Haryana and another 2013(4) RCR (Criminal) 102*** has considered the compounding of offences at the appellate stage and has observed that even when appeal against the conviction is pending before the Sessions Court and parties entered into a compromise, the High Court is vested unparallel power under Section 482 Cr.PC to quash criminal proceedings at any stage so as to secure the ends of justice.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Thus, in view of the observations made by this Court in ***Sube Singh's case (supra)*** as well as following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303***, this petition is allowed and F.I.R. No. 129 dated 6.8.2008 under Section 326, 323, 324, 325, 506 IPC, registered at Police Station Sadar Pathankot, (Annexure P-1) and all consequential proceedings arising therefrom are quashed on the basis of compromise dated 27.01.2016

Resultantly, the impugned judgment of conviction and order of sentence dated 31.03.2015 (Annexure P-2) passed by learned Additional Chief Judicial Magistrate, Pathankot in the aforementioned FIR are set aside. The appeal preferred by the petitioners against the said judgment and order is rendered infructuous and shall be declared so by the appellate Court.

(HARI PAL VERMA)
JUDGE

September 18, 2017
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No