

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

245

CRM-M-8606-2016

DATE OF DECISION: 26.10.2017

SANJAY DAHUJA AND ANR.

... Petitioner(s)

Versus

VARINDER SINGH AND ANR.

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. R. Kartikaya, Advocate
for the petitioner(s).

Mr. Yashasvi Kapila, Advocate for
Mr. Vineet Sehgal, Advocate for respondent No.1.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioners are seeking quashing of the criminal complaint bearing No.67 of 2004 dated 14.10.2004 (Annexure P-1) and also judgment dated 15.10.2014 (Annexure P-2) passed by Judicial Magistrate Ist Class, Chandigarh whereby the petitioners have been convicted and sentenced to undergo rigorous imprisonment for 06 months each and to pay fine of Rs.5,000/- each, in default of payment of fine, to undergo simple imprisonment for 03 months each under Section 120-B of IPC, rigorous imprisonment for 03 years each and to pay fine of Rs.10,000/- each, in default of payment of fine, to undergo simple imprisonment for 03 months each under Section 420 of IPC, rigorous imprisonment for 03 years and to pay fine of Rs.10,000/- each, in default of payment of fine, to undergo simple imprisonment for 03 months each under Section 468 of IPC and to undergo rigorous imprisonment for 01 year each

under Section 471 of IPC and all consequential proceedings arising therefrom, on the basis of compromise (Annexure P-4), which has been arrived at between the parties.

Learned counsel for the petitioners contends that the instant complaint is an outcome of a monetary dispute between the parties, which has now been resolved and the matter has been compromised.

A Coordinate Bench of this Court by the order dated 03.11.2016 had directed the parties to appear before 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 Additional District and Sessions Judge, Chandigarh dated 22.11.2016 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 the compromise is genuine, without any coercion or undue influence.

Learned counsel for respondent No.1 states that the matter has indeed been compromised.

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 an outcome of a monetary dispute between the parties, which has now been resolved and the matter has been compromised. 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 petition is allowed. The criminal complaint bearing No.67 of 2004 dated 14.10.2004 (Annexure P-1) and order of conviction & sentence dated 15.10.2014 passed by Judicial Magistrate Ist Class, Chandigarh, 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.

26.10.2017

SwarnjitS

**(ANUPINDER SINGH GREWAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No