

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

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Crl. Misc. M 6921 of 2017
Date of decision: 25.05.2017

Gurpreet Ram and others

..... Petitioners

Versus

State of Punjab and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. RVS Chugh, Advocate
for the petitioners

Mr. Mikhail Kad, AAG, Punjab

Mr. Aman Deep Sibia, Advocate
for respondents No. 2 and 3

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Rekha Mittal, J.

Through the present petition filed under Section 482 of the Code of Criminal Procedure (in short, 'the Code'), the petitioners pray for quashing of FIR No. 61 dated 12.07.2014 under Section 498-A read with 120-B IPC registered with Police Station Mansa City, District Mansa (Annexure P1) and for setting aside judgment of conviction and order of sentence dated 03.12.2015 passed by the Chief Judicial Magistrate, Mansa, on the basis of compromise dated 17.02.2017 (Annexure P3) arrived at between the parties.

Counsel for the petitioners has submitted that in the present case, the petitioners stand convicted vide judgment dated 03.12.2015 passed by the Chief Judicial Magistrate, Mansa for offence punishable under Sections 498-A read with 120-B IPC and appeal preferred against said judgment is pending before the Appellate Court. However, during pendency of the appeal, the petitioners and complainant/respondent No. 3 have compromised the matter.

Vide this Court's order dated 02.03.2017, the parties were directed to appear before the Appellate Court for recording their statements. Simultaneously, the Appellate Court was also directed to submit its report with regard to genuineness of compromise arrived at between the parties.

Pursuant thereto, the parties appeared before the Appellate Court and got recorded their statements. A report has been received from the Additional Sessions Judge, Mansa stating therein that the matter has been compromised between the parties without any coercion or undue influence.

Counsel for the State of Punjab has not disputed genuineness of the compromise arrived at between the parties in view of report furnished by the Appellate Court.

Counsel for respondents No. 2 and 3 has conceded to the position.

I have heard counsel for the parties and perused the records.

A Division Bench of this Court in ***Sube Singh and another v. State of Haryana and another, 2013 (4) R.C.R. (Criminal) 102*** held that it would be open for this Court to exercise its power under Section 482 of the Code even after the accused was found guilty and convicted by the trial

Court though the matter is sub judice before the Appellate Court. A relevant extract from the judgment is usefully quoted hereunder:-

*“(16) As regards the doubt expressed by the learned Single Judge whether the inherent power under Section 482 CrPC 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) 5 SCC 794**, the unfortunate matrimonial dispute was settled after the appellant (husband) had been convicted under Section 498-A IPC 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 CrPC 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 CrPC 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.”

A perusal of the allegations of aforesaid complaint reveals that the present case squarely falls in that category of cases which can be quashed by the High Court in exercise of its inherent power under Section 482 Cr.P.C.

Keeping in view the authoritative enunciation of law laid down by Hon'ble the Supreme Court in '**Gian Singh v. State of Punjab and another**', **2012(4) R.C.R. (Criminal) 543** and by this Court in *Sube Singh's* case (supra) coupled with genuineness of the compromise arrived at between the parties as reported by the Appellate Court, judgment dated 03.12.2015 passed by the Chief Judicial Magistrate, Mansa (Annexure P2), convicting and sentencing the petitioners is set aside by quashing FIR No. 61 dated 12.07.2014 under Section 498-A read with 120-B IPC registered with Police Station Mansa City, District Mansa and proceedings emanating therefrom qua the petitioners.

(Rekha Mittal)
Judge

25.05.2017
mohan bimbura

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No