

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

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Crl. Misc. M 802 of 2017
Date of decision: 29.03.2017

Munish Kumar and others

..... Petitioners

Versus

State of Punjab and another

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Ranjit Singh, Advocate for
Mr. G S Nahel, Advocate
for the petitioners

Mr. Ankur Jain, AAG, Punjab

None for respondent No. 2

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Rekha Mittal, J.

Through the present petition filed under Section 482 of the Code of Criminal Procedure (in short, 'Cr.P.C.'), the petitioners have prayed for quashing of FIR No. 122 dated 03.07.2009 for offence punishable under Sections 498-A, 406 and 506 of the Indian Penal Code (in short, 'IPC') registered with Police Station City Sunam, District Sangrur and proceedings emanating therefrom on the basis of compromise dated 14.12.2016 (Annexure P-3) including judgment dated 19.09.2016 convicting the petitioners.

Counsel for the petitioners states that in the present case, the petitioners stand convicted vide judgment dated 19.09.2016 (Annexure P2) passed by Sub Divisional Judicial Magistrate, Sunam and their appeal preferred against the said judgment is pending before the Appellate Court.

However, during pendency of the appeal, petitioner No. 1 and respondent

No. 2 have mutually decided to resolve their personal differences and also decided to part ways vide compromise deed dated 14.12.2016.

Vide order dated 13.01.2017, the parties were directed to appear before the Court of appeal to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Additional Sessions Judge, Sangrur, wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter.

Counsel for the State does not dispute genuineness of the compromise in view of report of the Court below.

There is no representation on behalf of respondent No. 2.

I have heard counsel for the petitioners, State of Punjab 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*** has held that it would be open for this Court to exercise its power under Section 482 Cr.P.C even after the accused was found guilty and convicted by the trial Court though the matter is sub judice before the Appellate Court.

The magnitude of inherent jurisdiction exercisable by the High Court under Section 482 Cr.P.C. 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 Cr.P.C. but such a power, in my conversed view, is exercisable at any stage save that there is no express bar and invoking of such power is fully justified in the facts and

circumstances of the case.

A perusal of allegations in the FIR 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 in the light of facts and circumstances of the present case, this Court is of the considered opinion that continuation of criminal proceedings would amount to abuse of process of law and it is expedient in the interest of justice that criminal proceedings are put to an end.

Keeping in view the authoritative enunciation of law laid down by Hon'ble the Supreme Court in *Gian Singh's* case (Supra) and by this Court in *Sube Singh's* case (supra) coupled with genuineness of compromise arrived at between the parties, as reported by the Appellate Court, judgment dated 19.09.2016 passed by the Sub Divisional Judicial Magistrate, Sunam, convicting and sentencing the petitioners in case FIR No. 122 dated 03.07.2009 for offence punishable under Sections 498-A, 406 and 506 IPC registered with Police Station City Sunam, District Sangrur, is set aside and the petitioners are acquitted of the offence charged against them. As a natural corollary, the aforesaid FIR and proceedings emanating therefrom are ordered to be quashed. The parties shall remain bound by the terms and conditions of compromise.

(Rekha Mittal)
Judge

29.03.2017
mohan bimbra

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