

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.14216 of 2018 (O&M)

Date of Decision: 23.10.2018.

Bijender and others

...Petitioners

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Rahul Deswal, Advocate for the petitioners.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Randeep Khatkar, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI J. (ORAL)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of the Criminal Complaint Case No.64 of 2013 dated 21.04.2010 titled as Sunil Kumar Versus Bijender and others (Annexure P-1) including the judgment of conviction and sentence dated 10.12.2014 passed by Judicial Magistrate Ist Class, Karnal (Annexure P-2) on the basis of compromise deed dated 27.03.2018 (Annexure P-3) and affidavit dated 27.03.2018 (Annexure P-4) along with all the consequential proceedings arising out of the said complaint.

In the present case, the complaint was instituted on the statement of Sunil Kumar son of Sh. Singhu Ram. Now, dispute between the parties has been resolved.

Vide order dated 05.04.2018, the parties were directed to appear before the lower Appellate Court to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Additional Sessions Judge, Karnal, wherein it has been reported that statements of the parties have been recorded that the compromise is genuine and lawful.

Counsel for the State as well as counsel for respondent No.2 have not disputed that the parties i.e. petitioners and respondent No.2 have arrived at a settlement with an intent to give burial to their differences.

Perusal of allegations in the complaint reveals that the present case squarely falls in the category of cases that can be quashed by the High Court, in exercise of its inherent power under Section 482 Cr.P.C. Keeping in view 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 discussed hereinbefore, 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 the same are put to an end.

For the foregoing reasons, the petition is allowed and Criminal Complaint Case No.64 of 2013 dated 21.04.2010 titled as Sunil Kumar Versus Bijender and others (Annexure P-1) and the judgment of conviction and sentence dated 10.12.2014 passed by Judicial Magistrate Ist Class. Karnal (Annexure P-2) and all the proceedings emanating therefrom on the basis of compromise stand quashed qua the petitioners.

23.10.2018
rekha sharma

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No