

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

CRM-M No.38994 of 2015 (O&M)

Date of decision: 29.1.2018

Nachattar Singh and others

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. H.S. Randhawa, Advocate
for the petitioners.

Mr. V.G. Jauhar, Senior DAG, Punjab.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.11 dated 08.03.2008 (Annexure P-1) for offence punishable under Sections 323, 324, 325, 326, 34 of the Indian Penal Code registered in Police Station Sohana, District SAS Nagar (Mohali) and proceedings emanating therefrom on the basis of compromise (Annexure P-4) arrived at between the parties and also prayed for setting aside the judgment of conviction passed by the Court below on the basis of compromise.

The petitioners, namely, Nachhattar Singh @ Gholi, Gurjeet Singh and Kamlesh Kaur, were convicted of the offences under Sections 323 and 326 of Indian Penal Code by the Court of the Ld. Judicial Magistrate Ist Class, Mohali on 29.08.2014.

Now, the present petitioners have also compromised with the legal representatives of the victims/complainants by way of compromise

Vide order dated 18.11.2015, the parties were directed to appear before the 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, SAS Nagar (Mohali) wherein it has been reported that statements of the parties i.e. legal heirs of the victims (since the victims have died) and petitioners have been recorded and compromise arrived at between them is voluntarily with the intervention of respectables.

I have considered the judgment of **Sube Singh and another vs. State of Haryana and another, 2013(4) RCR (Criminal) 102** in which it has been observed that compounding of offence can be allowed even after conviction i.e. during proceedings of the appeal against conviction, pending before the first appellate court even in case involving non-compoundable offence.

Perusal of allegations in the FIR 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 be put to an end.

For the foregoing reasons, the petition is allowed and judgment of conviction and order of sentence dated 29.08.2014 are *set aside*.

Consequently, FIR No.11 dated 08.03.2008 for offence punishable under

Sections 323, 324, 325, 326, 34 of the Indian Penal Code registered in Police Station Sohana, District SAS Nagar (Mohali) and proceedings emanating therefrom on the basis of compromise (Annexure P-4) and proceedings emanating therefrom stand quashed qua the petitioners.

JANUARY 29, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no