

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

CRM-M No.43169 of 2016 (O&M)

Date of decision: 07.02.2018

Surinder Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Sumeet Puri, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Vinay Malhotra, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 Cr.P.C., the petitioner has prayed for quashing of FIR No.02 dated 01.01.2012 for offence punishable under Section 324 of the Indian Penal Code registered in Police Station City Sangrur, District Sangrur as well as judgment dated 04.02.2015 (Annexure P-1) on the basis of compromise dated 25.10.2016 (Annexure P-2).

The petitioner, namely, Surinder Singh son of Ram Lal, was convicted of the offences under Section 324 of Indian Penal Code by the court of the Ld. Judicial Magistrate Ist Class, Sangrur on 04.02.2015.

Now, the present petitioner has also compromised with the complainant by way of compromise (Annexure P-2).

Vide order dated 02.12.2016, the parties were directed to appear before the trial court/illaqa magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Sessions Judge, Sangrur wherein it has been reported that statements of the parties have been recorded and compromise arrived at between them is voluntarily and without any pressure, threat or coercion.

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 04.02.2015 are *set aside*. Consequently, FIR No.02 dated 01.01.2012 for offence punishable under Section 324 of the Indian Penal Code registered in Police Station City Sangrur, District Sangrur and proceedings emanating therefrom on the basis of compromise (Annexure P-2) and proceedings emanating therefrom stand quashed qua the petitioner.

February 07, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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