

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

Crl. Misc. No. M-7738 of 2015 (O&M)

Date of decision: September 18, 2018

Narinder and others

.. Petitioners

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Argued by : Mr. K.S. Dhaliwal, Advocate
for the petitioners.

Ms. Dimple Jain, A.A.G. Haryana.

Ms. Anchal, Advocate
for respondents No.2 to 5..

SURINDER GUPTA, J.(Oral)

Petitioners were convicted and sentenced by learned Additional Chief Judicial Magistrate, Karnal for offences punishable under Sections 148, 323, 324, 325, 326, 452, 506 read with Section 149 of Indian Penal Code. They filed appeal against their conviction and during the pendency of the appeal, a compromise took place between complainant party comprising of Prithvi Singh, Surjeet Singh, Kulbir Singh, Sandeep and the petitioners. In view of the compromise, they filed petition seeking quashing of the FIR No.288 dated 12.07.2005 registered at Police Station Sadar Karnal and their judgment of conviction.

A report was called from the Appellate Court regarding genuineness and validity of the compromise and it was reported by learned

Additional Sessions Judge, Karnal that “the complainant/injured Surjit,

Prithvi, Sandeep and Kulbir have given a statement recorded and placed separately on file that with the intervention of the respectables of the society and to maintain peace and harmony in the village, they have compromised the matter with the appellants in all the criminal appeals bearing CIS No.594/2013, 605/2013 and 604/2013, filed against the aforesaid judgment of conviction and order of sentence. The complainant and injured have further stated that they have given their statements with their free will and without any pressure or coercion on either side. They have further stated that they have no objection in case the FIR and conviction of all the accused persons is quashed.”

The sole question, which arise for consideration is as to whether FIR can be quashed after the conviction of the petitioners? A Coordinate Bench of this Court in case of **Balwinder Singh and others Vs. Dilbag Singh (CRM-M-31284-2016 decided on 30.11.2016)** while examining this question, has observed as follows:-

“The Hon'ble Supreme Court in **Dr. Arvind Barsaul etc. v. State of Madhya Pradesh and another, 2008 (2) R.C.R. (Cr.) 910**, has held that proceedings after conviction can be quashed. This Court in **Sube Singh and another v. State of Haryana and another, 2013 (4) R.C.R. (Cr.) 102**, has held as under:-

“In the light of these peculiar facts and circumstances where not only the parties but their close relatives (including daughter and son-in-law of respondent No.2) have also supported the amicable settlement, we are of the considered view that the negation of the compromise would disharmonize the relationship and cause a permanent rift

amongst the family members who are living together as a joint family. Nonacceptance of the compromise would also lead to denial of complete justice which is the very essence of our justice delivery system. Since there is no statutory embargo against invoking of power under Section 482 Criminal Procedure Code after conviction of an accused by the trial Court and during pendency of appeal against such conviction, it appears to be a fit case to invoke the inherent jurisdiction and strike down the proceedings subject to certain safeguards.”

This Court in ***Satya Narain v. State of Haryana, 2009 (3) R.C.R. (Cr.) 97*** and ***Lal Chand v. The State of Haryana, 2009 (5) R.C.R. (Cr.) 838***, has held that High Court is vested with unparallel power to quash criminal proceedings at any stage to secure ends of justice. The parties have buried their hatchet, though at a belated stage, it was held, that if compromise is accepted and proceedings are quashed, it will go a long way, to create better relations between the parties. Therefore, it was observed that it is a fit case for quashing of FIR, conviction and sentence recorded by the trial Court.”

In petitions CRM-M-5024-2018 (***Puran Pal Singh Vs. State of Punjab and others***) and CRM-M-16767-2018 (***Ajay and others Vs. Rajesh and others***) both decided on 12.09.2018, I have endorsed the above view and allowed quashing after conviction, on the basis of compromise.

Keeping all the above facts in view, I am of the considered opinion that it is a fit case in which the impugned FIR should be quashed.

Keeping the case pending will not serve the ends of justice. The quashing of the FIR will provide the parties to this petition an opportunity to live in

an amicable, peaceful and harmonious atmosphere which is not only in the interest of the parties but also for their families and ultimately the society at large.

For the reasons as discussed above, the instant petition is allowed and the impugned FIR (Annexure P-1) along with impugned judgment of conviction, qua petitioners, is quashed.

(SURINDER GUPTA)
JUDGE

September 18, 2018
Sachin M.

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No