

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

CRM-M No.6527 of 2017 (O&M)
Date of decision: 20.02.2018

Kuldeep Singh and others

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Vinod Bhardwaj, Advocate
for the petitioners.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. J.S. Saneta, Advocate for
Mr. Naresh Kaushik, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.76 dated 09.07.2013 for offence punishable under Sections 148, 149, 323, 324, 325, 326, 506 of the Indian Penal Code (for short 'IPC') registered in Police Station Sadar Kaithal, District Kaithal as well as judgment and order of sentence dated 06/12.01.2016 (Annexure P-2) on the basis of compromise dated 20.12.2016 (Annexure P-4).

The petitioners, namely, Kuldeep Singh, Balwan Singh, Darshan and Leelu @ Karnail Singh, were convicted for the offences under Sections 323, 325, 326, 506/34 IPC by the court of the Ld. Additional Chief Judicial Magistrate, Kaithal on 12.01.2016.

Now, the present petitioners have also compromised with the complainant by way of compromise (Annexure P-4).

Vide order dated 28.02.2017, the parties were directed to appear before the Chief Judicial Magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Chief Judicial Magistrate, Kaithal through the District and Sessions Judge, Kaithal wherein it has been reported that statements of the parties have been recorded and compromise arrived at between them is without any pressure, coercion and undue influence.

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 06/12.01.2016 are *set aside*. Consequently, FIR No.76 dated 09.07.2013 for offence punishable under Sections 148, 149, 323, 324, 325, 326, 506 of the Indian Penal Code (for short 'IPC') registered in Police Station Sadar Kaithal, District Kaithal and proceedings emanating therefrom on the basis of compromise (Annexure P-4) and proceedings emanating therefrom stand quashed qua the petitioners.

February 20, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE