

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANIDGARH

250+265

Date of Decision: 26.04.2019

1. CRM-M-6430-2019 (O&M)

Hari Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

2. CRM-M-12978-2019 (O&M)

Manjit Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

3. CRR No.305 of 2019 (O&M)

Mohinder Singh and others

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

ANIL KSHETARPAL, J (ORAL)

Vide this judgment, I shall be disposing of two petitions i.e. CRM-M-6430 of 2019, CRM-M-12978 of 2019 and one criminal revision petition No.305 of 2019 as the same are connected.

As per report, received, the parties have entered into a

settlement and they do not wish to proceed in the matter. The petitioners Avtar Singh and Sukhvir son of Gurjant Singh are present in Court and have submitted that due to inadvertent error in the application for releasing the petitioners on bail, the offence under Section 325, IPC was omitted.

Since the parties have entered into a compromise and their statements have been recorded by the Chief Judicial Magistrate, Patiala in both the cases and the report has been received that the compromise is without any undue influence or coercion and is an outcome of free will and consent of the parties, therefore, FIR No.125 dated 14.11.2013 under Sections 323, 341, 325, 506, 34, IPC and FIR No.65 dated 11.07.2011 under Sections 323, 324, 325, 341, 34, IPC shall stand quashed. Learned Chief Judicial Magistrate, Patiala would take steps to get the petitioners released.

Hon'ble Division Bench of this Court in the case of Sube Singh and another Vs. State of Haryana and another, 2013(4) RCR (Criminal) 102 have held that such compromise can also be arrived at after the judgment of conviction has been passed. The operative part of the judgment reads 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. Non-acceptance 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.

22. *Consequently and for the reasons afore-stated, we allow this petition and set aside the judgment and order dated 16.03.2009 passed in Criminal Case No.425-1 of 2000 of Additional Chief Judicial Magistrate, Hisar, on the basis of compromise dated 08.08.2011 arrived at between them and their step-mother-respondent No.2 (Smt. Reshma Devi) w/o late Rajmal qua the petitioners only. As a necessary corollary, the criminal complaint filed by respondent No.2 is dismissed qua the petitioners on the basis of above-stated compromise. Resultantly, the appeal preferred by the petitioners against the above-mentioned order dated 16.03.2009 would be rendered infructuous and shall be so declared by the first Appellate Court at Hisar.”*

Consequently, CRR No.305 of 2019 is also disposed of while granting permission to the petitioners to compound the offence. The judgments passed by the Courts below convicting the petitioners shall stand set aside in view of the compromise.

Both the petitions as well as criminal revision petition are disposed of.

The pending miscellaneous application, if any in all these cases, shall stand disposed of accordingly.

26.04.2019

D.Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No