

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10440-2019 (O&M)

Date of decision: 11.07.2019

Lakhbir Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. R.S. Budhwar, Advocate for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Ms. Parveen Mann, Advocate for respondents No.2 and 3.

ANIL KSHETARPAL, J. (ORAL)

The petitioner has approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') invoking its inherent jurisdiction for quashing of FIR No.335 dated 18.10.2009 registered under Sections 429, 294 of the Indian Penal Code (for short 'IPC'), at Police Station Shahbad, District Kurukshetra and the consequential proceedings arising therefrom, on the basis of compromise including the judgment of conviction and order of sentence.

Notice of motion was issued.

The petitioner was convicted and sentenced to undergo simple imprisonment for a period of 3 years.

In compliance of the order dated 07.03.2019 passed by this Court, the parties got their statements recorded before the learned trial Court. Consequently, a report dated 02.05.2019 sent by the Additional

Sessions Judge, Kurukshetra, has been received which is available on record of the case along with the statement of the parties. Learned Magistrate has reported that the parties have made their statements voluntarily and without any pressure. The compromise arrived at between the parties has been found to be a genuine one.

Learned counsel for the petitioner as well as learned counsel for the State are ad idem that the petitioner is not a proclaimed offender.

After hearing learned counsel for the parties and after going through the record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482, Cr.P.C. so as to secure the ends of justice because the parties have arrived at an out of Court settlement by way of compromise. The compromise is without any pressure and a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

For the aforesaid view, this Court finds support from Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052, approved by Hon'ble Apex Court in Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303.

A Division Bench of this Court in the case of Sube Singh and another Vs. State of Haryana and another, 2013(4) RCR (Criminal), 102, has examined in detail the desirability of the Court to permit compounding of offence which are not otherwise compoundable under Section 320 of the Code of Criminal Procedure by the High Court in exercise of powers under Section 484 of the Code of Criminal Procedure. After examining various judgments passed by the Courts, the Division Bench held as under:-

“17. The magnitude of inherent jurisdiction exercisable by the High Court under Section 482 Criminal Procedure Code with a view to prevent the abuse of law or to secure the ends of justice, however, is wide enough to include its power to quash the proceedings in relation to not only the non-compoundable offences notwithstanding the bar under Section 320 Criminal Procedure Code but such a power, in our considered view, is exercisable at any stage save that there is no express bar and invoking of such power is fully justified on facts and circumstances of the case.”

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.335 dated 18.10.2009 registered under Sections 429, 294, IPC, Police Station Shahbad, District Kurukshetra and the subsequent proceedings arising therefrom are ordered to be quashed, however, qua the petitioner only. Consequently, judgment of conviction passed by the Sub-Divisional Judicial Magistrate, Shahbad in criminal case No.RBT/20/2017, decided on 09.10.2017 and order of sentence passed on the same day are set aside. The petitioner is ordered to be acquitted from the charge.

Resultantly, with the above-said observations made, the instant petition stands allowed.

11.07.2019
D.Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No