

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of decision: 24.05.2019

1. CRM-M-17479 of 2019 (O&M)

Rajinder Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

2. CRM-M-24092 of 2019 (O&M)

Rachhpal Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sheery K. Singla, Advocate
for the petitioners (in both petitions).

Mr. Ramdeep Pratap Singh, DAG, Punjab.

Mr. G.S. Dhaliwal, Advocate
for respondent No.2 (in CRM-M-17479-2019).

ANIL KSHETARPAL, J. (ORAL)

Vide this order, two petitions bearing CRM-M-17479 of 2019
and CRM-M-24092 of 2019 shall stand disposed of.

In both petitions, quashing of FIR No.276 dated 24.08.2005
registered under Sections 420, 465, 467, 468, 471, 120-B of the Indian
Penal Code, at Police Station Jagraon, District Ludhiana, has been sought
on the basis of compromise.

The petitioners were convicted by the trial Court, however,

their appeal is pending. It has been now stated that the parties have entered into a settlement. Pursuant to the direction of this Court, their statements have been recorded by the learned Additional Sessions Judge, Ludhiana on 16.05.2019. The complainant-Malkiat Singh has stated that he has no objection to the quashing of the FIR and for setting aside the judgment passed against all the accused. CRM-M-24092 of 2019 has been filed by Rachhpal Singh who had not joined as petitioner in CRM-M-17479 of 2019.

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.

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 explained in detail the desirability of the Court to permit compounding of offences 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:-

“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 his 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.”

For the aforesaid view, this Court also 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.

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.276 dated 24.08.2005 registered under Sections 420, 465, 467, 468, 471, 120-B of the Indian Penal Code, Police Station Jagraon, District Ludhiana, and the subsequent proceedings arising therefrom are ordered to be quashed, however, qua the petitioners only. Consequently, judgment of conviction passed by the Judicial Magistrate Ist Class in criminal case No.293/1, decided on 09.11.2017 and order of sentence passed on the same day are set aside. The petitioners are ordered to be acquitted from the charge.

Resultantly, with the above-said observations made, both the petitions stands allowed.

24.05.2019

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No