

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

CRM-M No.48350 of 2017

Date of decision: 30th August, 2019

Dr. Arvind Singla & others

... Petitioners

Versus

State of Punjab & another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Petitioners in person along with
Mr. Vishal Garg, Advocate.

Mr. Harbir Sandhu, Assistant Advocate General, Punjab
for respondent No.1/State.

Dhriti Singla LR of respondent No.2 in person along with
Mr. Vijay Sharma, Advocate.

FATEH DEEP SINGH, J.

Convicts/petitioners Dr.Arvind Singla, Atul Singla, Kanta Singla and Raj Kumar Singla, who were tried in a criminal case bearing FIR bearing No.106 dated 05.11.2001 under Sections 323, 406, 498-A, 506 IPC registered at Police Station Amloh, District Fatehgarh Sahib (Annexure P1) on the complaint of respondent No.2 Dr.Poonam Singla, were held guilty and convicted by the Court of learned Judicial Magistrate 1st Class, Patiala vide judgment and order dated 05.04.2017 (Annexure P2) for offences under Sections 498-A and 323 IPC and sentenced to undergo rigorous imprisonment for three years and to pay a fine of ₹5,000/- each and in default of payment of fine to further undergo

rigorous imprisonment for one month under Section 498A IPC whereas under Section 323 IPC they were sentenced to undergo simple imprisonment for one year and to pay a fine of ₹1,000/- each and in default of payment of fine to further undergo simple imprisonment for one week.

The same was challenged by the convict/petitioners by way of an appeal before the first appellate Court and during the pendency of which, the parties have entered into a compromise in writing by way of compromise deed dated 06.12.2017 (Annexure P3). It was consequent thereupon, the present invocation has come about under Section 482 Cr.P.C. by the convict/petitioners seeking quashing of the FIR (Annexure P1) on the basis of settlement arrived at between the petitioners as well as complainant private respondent No.2 Dr.Poonam Singla.

During the course of events, by another quirk of fate the complainant respondent No.2 Dr.Poonam Singla died on 07.01.2018 and the lone daughter of private respondent No.2 and her husband petitioner No.1 Dr.Arvind Singla, namely Dhriti Singla, who is a major aged above 18 years, stepped into her shoes as her sole surviving legal heir, to which both the sides have solemnly affirmed and made statements before this Court. In consequence of the compromise deed dated 06.12.2017, now the Dhriti Singla, the sole surviving legal heir of complainant respondent

No.2 has arrived at a settlement with the accused petitioners by way of settlement deed dated 30.08.2019 (Ex.C1) and both the parties have also made statements vouching for the said settlement.

Moreover, during the course of interaction with the parties, they have shown their resolve to end the squabble and have made statements voluntarily, without any coercion, pressure or undue influence that they have compromised the matter as per Settlement Deed (Ex.C1) dated 30.08.2019 and shall abide by the same.

Learned counsel for the petitioners has sought to place reliance upon a Division Bench view of this Court in '**Sube Singh and another v. State of Haryana and another**' reported in **2013(4) RCR (Criminal) 102** to impress upon this Court that the High Court is vested with unparalleled powers to quash criminal proceedings at any stage to secure the ends of justice even where after conviction an appeal is pending. Their Lordships in **Sube Singh's case** (ibid) 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 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.”

Having regard to this position of law and that in similar other views reported in **2012(10) SCC 303** titled as ‘**Gian Singh v. State of Punjab and another**’ and **2014(6) SCC 466** titled as ‘**Narinder Singh and others v. State of Punjab and another**’, wherein the Hon’ble Apex Court has taken a very liberal approach as to quashment of proceedings and had emphasized that quashment of such proceedings depends upon the facts and circumstances of each case and has attached primacy where such a quashment by way of compromise is essential to secure the ends of justice or to prevent abuse of the process of any Court and it is only in cases which are of very heinous or serious nature like murder, rape, dacoity or corruption etc. the courts should not come to the aid and rescue of a petitioner.

In the present case, there is a matrimonial dispute and the petitioners have been found guilty of heaping cruelty upon the complainant wife who has since expired and now her daughter Dhriti Singla has stepped into her shoes as her sole surviving legal heir and who considering her future life has thought it prudent to settle the dispute for all times to come. Thus, this compromise to the mind of this Court would go a long way in putting an end to this hostility and would otherwise be

conducive for the future life of the parties to this compromise. Therefore, the Court taking a holistic and pragmatic approach feels it essential and in the interest of justice to allow the prayer made in this petition by way of quashing the FIR (Annexure P1) along with all consequences arising out of the said FIR including the judgment of conviction (Annexure P2) passed by the Court of learned Judicial Magistrate 1st Class, Patiala.

The petition stands disposed off in those terms.

(FATEH DEEP SINGH)
JUDGE

August 30, 2019
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No