

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

Date of Decision : 10.04.2019

1. CRM-M No.53235-2018 (O&M)

Jaspal Singh @ Pala

..... Petitioner

Versus

State of Punjab & anr.

..... Respondents

2. CRM-M No.53557-2018 (O&M)

Sukhbir Singh

..... Petitioner

Versus

State of Punjab & ors.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Atul Jain, Advocate
for the petitioner (CRM-M-53235-2018)

Mr. Robin Dutt, Advocate
for the petitioner (CRM-M-53557-2018)

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

AJAY TEWARI, J. (Oral)

This order shall dispose of the above mentioned two petitions.

CRM-M-53235-2018 has been filed under Section 482 Cr.P.C.

for quashing of FIR No.77 dated 27.08.2011 under Sections

324/323/148/149 IPC, at Police Station Fattu DHINGA, District Kapurthala and all other consequential proceedings arising there under and for quashing of the judgment and order of sentence dated 22.02.2018 vide which the petitioner was convicted u/s 326 IPC and sentenced to undergo RI for 3 years and the criminal appeal No.68/2018 titled as ***Jaspal Singh @ Pala Vs. State of Punjab*** pending before the Court of Sessions Judge Kapurthala for 16.03.2018 on the basis of compromise, since the matter has been compromised between the parties.

CRM-M-53557-2018 has been filed under Section 482 Cr.P.C. for quashing the rapat No.13 dated 23.09.2011 under Section 294 IPC being cross case in FIR No.77 dated 27.08.2011 under Sections 324/323/148/149 IPC, at Police Station Fattu DHINGA, District Kapurthala and all consequential proceedings arising there under and for quashing of the judgment and order of sentence dated 22.02.2018 vide which the petitioner was convicted u/s 509 IPC and sentenced to undergo SI for 01 year and the Criminal Appeal No.70/2018 titled as ***Sukhbir Singh Vs. State of Punjab*** pending before the Court of Sessions Judge Kapurthala for 16.03.2018 on the basis of compromise, since the matter has been compromised between the parties.

On 06.02.2019 the following order was passed :-

“To come up on 10.04.2019. Meanwhile, the parties are directed to be present before the appellate Court on the date fixed which is stated to be 16.03.2019 for recording their statements with regard to compromise. The Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Court is further

directed to send report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal case and proclamation proceedings is pending against either of the parties before the next date of hearing.

A photocopy of this order be placed on the file of connected case.”

Thereafter, the reports of the District & Sessions Judge, Kapurthala dated 30.03.2019 have been received wherein it has been mentioned that :-

“.....As per statements of both the parties and as per satisfaction of this Court, this compromise is genuine, voluntary and without any coercion or undue influence.”

Learned Senior Deputy Advocate General, Punjab has accepted this fact.

The Supreme Court in **Gian Singh v. State of Punjab and another** reported as 2012(4) RCR(Criminal) 543 has discussed in detail the inherent powers of High Court in quashing a criminal proceeding or FIR or complaint where the parties have entered into compromise except the cases which involve offences such as murder, rape dacoity etc. as such offences are not private in nature and have serious impact on society.

In view of the above judicial pronouncement, I am of the considered opinion that continuation of criminal proceedings between the parties would be an abuse of the process of law and the present compromise is for their benefit and will bring peace and harmony between them.

Consequently, these petitions are allowed and the above said FIR/rapat and all consequential proceedings arising therefrom are quashed qua petitioner/s. However, while upholding the convictions of the petitioner/s, I deem it appropriate to reduce the sentences of the petitioner/s to that which they have already undergone and the judgments and orders dated 22.02.2018 are modified accordingly.

Since the main cases have been decided, the pending criminal miscellaneous applications, if any, also stand disposed of.

10.04.2019

pooja sharma-I

(AJAY TEWARI)
JUDGE

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