

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-30789 of 2019
Date of Decision: September 20, 2019.

Malak Singh and others

.....Petitioners

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL.

Present: Ms.Kamlesh, Advocate, for the petitioners.
Mr.Manish Bansal, DAG, Haryana
Mr.Paraminder Singh, Advocate, for respondent No.2.

-.-

Anil Kshetarpal, J. (Oral)

Petitioners have 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 Complaint No.65 dated 04.07.2012, under Sections 148, 149, 323, 324, 325, 506, 452 IPC, titled as Ajit Singh vs. Malak Singh and also the order of conviction dated 09.03.2016/11.03.2016 whereby petitioners were convicted under Sections 323/325/148 IPC, on the basis of compromise.

The petitioners were convicted by the trial Court under Sections 323/325 and 148 UPC to undergo RI for three months and to pay a fine of RS.700/- each but their appeal is pending.

It has been stated that now the parties have entered into a settlement. Pursuant to the directions of this Court, complainant-respondent No.2 has filed his affidavit which is taken on record. It is stated in the affidavit that the compromise arrived at between the parties is genuine, voluntary and without coercion or undue influence.

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 out 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, Complaint No.65 dated 04.07.2012, under Sections 148, 149, 323, 324, 325, 506, 452 IPC, titled as Ajit Singh vs. Malak Singh and also the order of conviction dated 09.03.2016/11.03.2016 whereby petitioners were convicted under Sections 323/325/148 IPC, are ordered to be quashed, however, qua the petitioners only. The petitioners are ordered to be acquitted from the criminal charge.

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

September 20, 2019

mohinder

(ANIL KSHETARPAL)

JUDGE

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