

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43129-2019 (O&M)

Date of Order:22.10.2019

Lakhan Singh and another

..Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sukhmeet Singh, Advocate,
for the petitioners.

Mr. SPS Tinna, Addl. A.G., Punjab

Mr. Janak Singh Bhinder, Advocate
for respondent nos.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.106, dated 30.08.2010, registered under Sections 325/324/34 IPC (Section 326 IPC added later on), at Police Station Bagha Puran, District Moga and the consequential proceedings arising therefrom on the basis of compromise.

Notice of motion was issued and the parties were directed to remain present in this Court on the next date of hearing.

The petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of 3 years. Appeal against the judgment is pending before the Court of Sessions.

Today, the petitioners-accused and the complainant/respondent nos.2 and 3 are present, duly identified by their respective counsels. They have filed their respective affidavits in Court today with regard to the compromise/settlement, which are marked as 'A', 'B', 'C' and 'D'.

Counsel for the petitioners and counsel for the complainant/respondent nos.2 and 3 pray that in view of the aforesaid facts, the FIR and all subsequent proceedings emanating therefrom be quashed.

Counsel for the State of Punjab states that in view of the settlement between the parties, the State would not stand in the way of the settlement and would not oppose the quashing of the FIR and all subsequent proceedings emanating therefrom.

I have heard learned counsel for the parties, perused the affidavits filed by the parties. I am of the considered opinion that the petitioners-accused and the complainant/respondent nos.2 and 3 have resolved their differences by a bonafide compromise, without any coercion or undue influence. Both the parties acknowledge the settlement/compromise.

In the considered opinion of this Court, 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** and **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.”

In the end, learned counsel for the petitioners submitted that the respondents no.2 and 3 and the petitioners-convicts are resident of the same village. He further submitted that a lenient view be taken because the occurrence took place in the year 2010.

This court on consideration of the matter finds that there is some substance in the argument of learned counsel for the petitioners. Petitioners do not have any criminal background. Both are first time offenders. No overt act after the occurrence in question is attributed to the petitioners.

Keeping in view the aforesaid facts, the sentence awarded to the petitioners is reduced to the period already undergone. This order has been passed in the peculiar facts and circumstances of the present case and shall not be treated as precedent.

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

October 22, 2019

nt

Whether speaking/reasoned

Whether reportable

(ANIL KSHETARPAL)

JUDGE

: Yes/No

: Yes/No