

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

CRM-M No.22828 of 2018 (O&M)

Decided on: 13.02.2020

Amar Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Rakesh Kumar Sharma, Advocate
for Mr. S.S. Gill, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

Mr. Vipin Sharma, Advocate
for respondent No.2.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for quashing of FIR No.284 dated 16.09.2007, registered under Sections 419, 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 (in short 'IPC') at Police Station Jagraon, District Ludhiana and for setting-aside the judgment of conviction and order of sentence dated 13.07.2017 passed by the trial Court and all other subsequent proceedings arising therefrom on the basis of the compromise arrived at between the parties.

Counsel for the petitioner has argued that the petitioner has preferred an appeal which is pending before the Lower Appellate Court and during the pendency of the appeal, a compromise was arrived at between the parties in which both the parties have amicably settled their dispute.

Vide order dated 18.07.2018, the parties were directed to appear before the trial Court for getting their statements recorded with regard to the compromise.

In pursuance to the said order, the trial Court has submitted a report dated 31.01.2019 that initially 04 persons were arrayed as an accused in the case and only the petitioner – Amar Singh was convicted as during the trial 02 of the co-accused namely Kehar Singh and Ranjit Singh have died and one other accused namely Karamjit Singh was acquitted by the trial Court. It is further reported that the statement of the complainant – Gurmail Singh and eye-witness namely Satwant Singh has also been recorded and similarly, the statement of the petitioner/accused – Amar Singh is also recorded and in view of the same, the trial Court has formed an opinion that the compromise is genuine and is entered between the parties without any pressure on the parties.

Counsel for the petitioner submits that no other criminal case is pending between the parties and none of the petitioner is a proclaimed offender. Counsel for the petitioner has also relied upon the judgment ***“Sube Singh and another vs State of Haryana and another”***, 2013 (4) RCR (Criminal) 102, wherein the Division Bench of this Court has held that *even after conviction, if the parties have settled the dispute amicably and have decided to live in peace and harmony, this Court, in exercise of powers under Section 482 Cr.P.C, can compound the offence.*

This fact is not disputed by counsel for the State, on instructions from the Investigating Officer assisted by counsel for

respondent No.2.

I have heard counsel for the parties, perused the paperbook and the report submitted by the trial Court.

As per the Full Bench judgment of this Court in ***“Kulwinder Singh and others vs. State of Punjab”*, 2007 (3) RCR (Criminal) 1052**, it is held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court feel that the same was required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Perusal of the allegations in the FIR reveals that the present case squarely falls in the category of cases that can be quashed by the High Court, in exercise of its inherent power under Section 482 of the Code. Keeping in view authoritative enunciation of law laid down by Hon'ble the Supreme Court of India in ***“Gian Singh vs State of Punjab and another”*, 2012(4) R.C.R. (Criminal) 543** and in the light of facts and circumstances of the present case, this Court is of the considered opinion that continuation of criminal proceedings would amount to abuse of process of law and it is expedient in the interest of justice if the criminal proceedings are put to an end.

The parties since have arrived at a compromise and have decided to live in peace, no useful purpose would be served in allowing the criminal proceedings to continue.

Since the petitioners are not involved in any other case and the matter stood compromised between the parties as well as in view of

the law laid down by the Hon'ble Division Bench of this Court in *Sube Singh and another's case (supra)*, the present petition is allowed. FIR No.284 dated 16.09.2007, registered under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC at Police Station Jagraon, District Ludhiana along with all other consequential proceedings, arising therefrom, are ordered to be quashed.

The judgment of conviction is upheld and the sentence awarded to the petitioner is reduced to the period already undergone by him. However, the imposition of fine is also upheld. The petitioner is directed to deposit the fine of Rs.1600/-, if not deposited so far, within a period of 02 months from today.

The petitioner be released forthwith, if he is in custody and not required in any other case.

(ARVIND SINGH SANGWAN)
JUDGE

13.02.2020
yakub

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