

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

Crl. A. No. S-2174-SB of 2016 (O&M)

Date of decision : 05.04.2022

Lakhvir Singh and another

.....Appellants

versus

State of Punjab

...Respondent

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Sanjay Kaushal, Sr. Advocate with
Mr. Aman Dhir, Advocate
for the applicants-appellants.

Mr. H.S. Grewal, Addl.A.G. Punjab

Ms. Amanpreet Kaur, Advocate for
Mr. Nakul Sharma, Advocate
for the complainant.

RITU BAHRI, J. (Oral)

CRM-6203-2021

Application is allowed as prayed for.

Accordingly, Annexure A-7 and A-8 are taken on record.

CRM-23690-2020

The present application has been filed by the applicant-appellants seeking quashing of DDR No. 25 dated 16.01.2013 under Sections 406/313//323/34 IPC (A-1) in F.I.R No. 4 dated 15.01.2013 under Sections 452/323/148/149 IPC and Sections 27/54/59 of Arms Act, 1959, registered at P.S. Gidderbaha, District Sri Muktsar Sahib and setting aside of judgment of conviction dated 11.05.2016 and order of quantum of sentence order dated 12.05.2016 passed by learned Addl. Sessions Judge,

Sri Muktsar Sahib, whereby the appellants have been convicted under Sections 313/406/498-A/323/34 of IPC, on the basis of compromise deed dated 21.07.2020 (A-4) and affidavit dated 14.07.2020 (A-5) given by respondent No. 2, in the light of Division Bench judgment of this Court in a case of ***Sube Singh and another v. State of Haryana and another, 2013(4) RCR CrL 102.***

Issue notice of the application.

On asking of the Court, Mr. H.S. Grewal, Addl.A.G, Punjab and Ms. Amanpreet Kaur, Advocate accepted notice on behalf of respondent-State and complainant respectively.

Learned counsel for the complainant has admitted the factum of compromise effected between the parties.

In view of the above factual position, the present application is disposed of and the main appeal i.e CRA-S-2174-SB-2016 is taken up today itself for disposal.

CRA-S-2174-SB-2016

The present appeal is against the judgment of conviction dated 11.05.2016 and order of quantum of sentence order dated 12.05.2016 passed by learned Addl. Sessions Judge, Sri Muktsar Sahib, whereby the appellants have been convicted under Sections 313/406/498-A/323/34 of IPC.

Brief facts of the case are that the marriage between Lakhvir Singh-appellant No. 1 was solemnized with the complainant-Gurpreet Kaur on 22.03.2008 at village Mumara, Tehsil and District Faridkot, according to Sikh Rites. Out of this wedlock, no child was born. They started living separately from each other since January, 2013 on account of temperamental differences.

However, both the parties registered complaints against each other. Firstly, Gurdev Singh (uncle of Lakhvir Singh) registered F.I.R No. 04 dated 15.01.2013 under Sections 452/323/148/149 IPC and under Sections 27/54/59 of Arms Act, at P.S. Gidderbaha, District Sri Muktsar Sahib. In this F.I.R, a cross DDR No. 25 dated 16.01.2013 under Section 406/313//323/34 IPC (A-1) was registered by the complainant, in which the present appellants were convicted as mentioned above. Thereafter, another F.I.R No. 4 dated 22.01.2015 under Sections 420/467/468/471/120-B IPC was got registered by the complainant-Gurpreet Kaur against the present appellants and his family members.

Learned senior counsel for the appellants at the very outset submits that F.I.R No. 04 dated 15.01.2013 and F.I.R No. 4 dated 22.01.2015 were already quashed by this Court, vide CRM-M-31043-2020 on 29.01.2021(A-7) and CRM-M-29031-2020 on 15.02.2021 (A-8) respectively.

The appellants are now seeking setting aside of judgment of conviction dated 11.05.2016 and order of quantum of sentence order dated 12.05.2016 qua them, in the light of *Sube Singh's judgment (supra)*

Reference has been made to Panchayati Compromise (Annexure A-4) whereby both the parties agreed to withdraw all the cases filed by them against each other. As per compromise, Lakhvir Singh-appellant No. 1 will give Rs.45,00,000/- to Gurpreet Kaur for her lumpsum alimony, which will include the past and future alimony and in lieu of expenditure incurred at the time of marriage. The parties will file petition under Section 13-B of the Hindu Marriage Act in Faridkot Court and at the time of recording of first statements, appellant No. 1 will pay a draft of

Rs.10,00,000/- and draft of Rs.35,00,000/- will be paid at the time of recording of second statements. She has also agreed to give statement in the appeal filed by the present appellants that the matter stands duly compromised between the parties. She has given affidavit to this effect as well that she has no objection if the F.I.R be quashed against the present appellants.

It is not in dispute that both the parties have filed cases against each and during the pendency of the appeal, two F.I.R's have already been quashed by this Court, vide CRM-M-31043-2020 on 29.01.2021(A-7) and CRM-M-29031-2020 on 15.02.2021 (A-8) respectively.

In para No. 16 and 17 of ***Sube Singh's judgment***, this Court observed as under:-

(17) The magnitude of inherent jurisdiction exercisable by the High Court under Section 482 CrPC 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 CrPC 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.

(18) Since the petitioners have relied upon the compromise deed dated 08.08.2011, we thought it appropriate to ascertain firstly the genuineness of the settlement and

consequently passed the following order on 08.08.2012:-

“Before we delve upon the issued involved, especially in the light of the reference order dated 16.12.2011, it appears expedient that the genuineness and validity of the compromise dated 08.08.2011 (Annexure P-2) must be established. Consequently, we direct the learned Additional Sessions Judge, Fast Track Court, Hisar to enable the petitioner; witnesses of the compromise deed and the complainant-mother to appear and depose in support of the compromise deed. The Additional Sessions Judge shall thereafter send a report to this Court which shall enlighten the living conditions of the complainant and the manner in which she is being looked after by her family members. The report shall be sent as early as possible but before the next date of hearing.”

In the present case, the parties have now decided to settle the dispute amicably and two cases filed by them against each other have also been quashed. At this stage, no useful purpose will be served in prolonging the litigation.

Applying the ratio of the above mentioned judgment, DDR No. 25 dated 16.01.2013 under Section 406/313//323/34 IPC (A-1) in F.I.R No. 4 dated 15.01.2013 under Sections 452/323/148/149 IPC and Sections 27/54/59 of Arms Act, 1959, registered at P.S. Gidderbaha, District Sri Muktsar Sahib; judgment of conviction dated 11.05.2016 and order of

quantum of sentence order dated 12.05.2016 passed by learned Addl. Sessions Judge, Sri Muktsar Sahib are quashed along with all consequential proceedings arising therefrom qua appellants. Appeal is allowed.

(RITU BAHRI)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

05.04.2022
G Arora

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