

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

DATE OF DECISION: 27.02.2024

251 CRM-M-12369-2019

JASPAL SINGH AND OTHERS ...PETITIONERS

Versus

STATE OF PUNJAB AND OTHERS ... RESPONDENTS

251-2 CRM-M-12393-2019

SOHAN SINGH AND OTHERS ...PETITIONERS

Versus

STATE OF PUNJAB AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Amandeep Chhabra, Advocate for the petitioners in
CRM-M-12369-2019.

None for the petitioners in CRM-M-12393-2019.

Mr. Karunesh Kaushal, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

Petition bearing No. CRM-M-12369-2019 has been filed for quashing of cross case registered vide rapat No.19 dated 24.2.2016, under Sections 324, 323, 148, 149 IPC (charges framed under Sections 323, 325, 148, 149 IPC) while petition bearing No. CRM-M-12393-2019 has been filed for quashing of FIR No.19 dated 24.2.2016, registered under Sections 324, 323, 325, 326, 148, 149 IPC (charges framed under Sections 323, 324, 325, 326, 148, 149 IPC) at police station Sadar Bathinda, District Bathinda and judgment of conviction

and order of sentence dated 4.12.2018 passed by learned JMIC, Bathinda, on the basis of compromise.

During the pendency of the dispute, the parties have compromised the matter and filed the present petition for quashing of rapt and FIR.

Vide orders dated 18.03.2019 and 05.04.2022, parties were directed to appear before the Illaqa Magistrate/Trial Court and report with regard to the genuineness of the compromise was called for.

The report dated 04.04.2019 and 20.05.2022 has been received from Addl. District & Sessions Judge, Bathinda, stating that the parties have entered into a compromise, which is genuine, voluntary and without any coercion or undue influence.

Full Bench of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, has held:-

“The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in noncompoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.

The power under Section 482 of the Cr.P.C. is to be exercised Ex-Debitia Justitia to prevent an abuse of process of Court. There can neither be an exhaustive list nor the defined para-meters to enable a High Court to invoke or exercise its inherent powers. It will always depend upon the facts and circumstances of each case. The power under Section 482 of the

Cr.P.C. has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The exercise of power has to be with circumspection and restraint. The Court is a vital and an extra-ordinary effective instrument to maintain and control social order. The Courts play role of paramount importance in achieving peace, harmony and ever- lasting congeniality in society. Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.”

The legal principles as laid down for quashing of the judgment were also approved by the Hon'ble Supreme Court in the matter of '**Gian Singh Versus State of Punjab and another,(2012) 10 SCC 303**'. Furthermore, the broad principles for exercising the powers under Section 482 were summarized by the Hon'ble Supreme Court in the matter of '**Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another” (2017) 9 SCC 641**'.

It is evident that in view of the amicable resolution of the issues amongst the parties, no useful purpose would be served by continuation of the proceedings. The furtherance of the proceedings is likely to be a waste of judicial time and there appears to be no chances of conviction.

In view of above, cross case registered vide rapat No.19 dated 24.2.2016, under Sections 324, 323, 148, 149 IPC (charges framed

registered under Sections 324, 323, 325, 326, 148, 149 IPC (charges framed under Sections 323, 324, 325, 326, 148, 149 IPC) at police station Sadar Bathinda, District Bathinda on the basis of compromise, is quashed qua the petitioners and judgment of conviction and order of sentence dated 4.12.2018 passed by learned JMIC, Bathinda is set aside.

The present petitions are hereby allowed.

A photocopy of this order be placed on the file(s) of connected case(s).

(SANDEEP MOUDGIL)

JUDGE

27.02.2024

anuradha

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No