

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1406-2023 (O&M)
DECIDED ON: 16.01.2024

GURPREET SINGH

.....PETITIONER

VERSUS

STATE BANK OF INDIA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kamaldip Singh Sidhu, Advocate with
Ms. Kirandeep Kaur, Advocate
for the petitioner.

Ms. Monika Mehta, Advocate for respondent-Bank.

SANDEEP MOUDGIL, J (ORAL)

The present revision petition has been preferred against the impugned judgment of conviction dated 20.03.2018 passed by Sub-Divisional Judicial Magistrate, Nihal Singh Wala, whereby the petitioner was convicted for a period of 2 years alongwith fine of Rs.10,000/- under Section 138 of Negotiable Instruments Act, 1881.

In pursuance of the order dated 15.09.2023, the parties have amicably resolved their dispute before the Mediation and Conciliation Center of this High Court on 29.11.2023, as is evident from the report of Mediator and the settlement agreement of even date produced before this Court.

Learned counsel for the petitioner as well as for respondent have no objection, in case the present revision petition is allowed as the parties have entered into the compromise and complaint under Section 138 of Negotiable Instruments Act, 1881 be quashed wherein the petitioner was convicted for two years alongwith

fine of Rs.10,000/- against which an appeal was also preferred stands dismissed and as a result thereof, the present revision petition came to be filed.

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 parameters 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 the above, the orders dated 20.03.2018 and 12.01.2022 passed by the Courts below are hereby ordered to be quashed/set aside.

Ordered accordingly.

(SANDEEP MOUDGIL)
JUDGE

16.01.2024

Meenu

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