

(2014) 07 P&H CK 0580

High Court Of Punjab And Haryana At Chandigarh**Case No:** CRM-M No. 4576 of 2014 (O&M)

Amarjit Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: July 16, 2014**Acts Referred:**

- Criminal Procedure Code, 1973 (CrPC) - Section 320, 482
- Penal Code, 1860 (IPC) - Section 148, 149, 323, 325

Hon'ble Judges: Naresh Kumar Sanghi, J**Bench:** Single Bench**Advocate:** Kunal Dawar, Advocate for the Appellant; P.S. Ghuman, Addl. AG and Rohit Rana, Advocate for the Respondent**Final Decision:** Allowed

Judgement

Naresh Kumar Sanghi, J.

Prayer in this petition is for quashing of FIR No. 523, dated 10.11.2000, under Sections 148, 323 read with Section 149, IPC, registered at Police Station, Sadar, Rajpura, District Patiala, and all the consequential proceedings arising therefrom, on the basis of compromise.

2. Vide order dated 06.02.2014, this Court had directed the affected parties to appear before the learned trial Court for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send the copies of the statements and the report regarding genuineness of the compromise.

3. In compliance of the above, respondents No. 2 to 4 (injured) namely, Jawahar Singh, Ranjit Kaur and Harjinder Kaur as well as the petitioners (four in numbers) did appear before the Court below and got recorded their respective statements with regard to the compromise. In their joint statement Jawahar Singh, Ranjit Kaur and Harjinder Kaur, respondents No. 2 to 4 stated that FIR No. 523, dated 10.11.2000,

under Sections 148, 323 read with Section 149, IPC, was got registered by them against Amarjit Singh, Karam Singh, Jarnail Singh, Jagtar Singh and Balbir Singh (since died). Now with the intervention of the respectable, they had effected a compromise for their betterment and keeping peace in the society. Compromise (Ex. CX) was also placed on record.

4. Similar joint statement was suffered by the petitioners.

5. The report received from the learned Judicial Magistrate 1st Class, Rajpura, reveals that from the statements of the petitioners and the respondents, the said Court was satisfied that the compromise was effected for betterment of the parties and for maintaining peace in the society.

6. Learned counsel for the petitioner submits that vide judgment of conviction and sentence dated 08.10.2013, the learned trial Court had held the appellants guilty for the offences punishable under Sections 148, 323 read with Section 149, IPC and order each one of them to undergo the following sentence:-

Sr. No.	Under Section	Imprisonment	Fine	In default
1.	148, IPC		200/-	SI 7 days
	323			
	read with	RI six months		
2.	Section 149, IPC		1000/-	SI 7 days

7. All the substantive sentences were ordered to run concurrently. The fine imposed was deposited with the learned trial Court on the same date.

8. Dissatisfied with the judgment of conviction and sentence, the appellants preferred an appeal before the Court of Session, which is pending adjudication before learned Additional Sessions Judge, Patiala, and is now fixed for 31.07.2014. It has also been contended that in cross-version case, six persons from the private respondents' side were also held guilty for the offences punishable under Sections 323 and 325 read with Section 149, IPC, on the same day by the learned trial Court. The opposite party had also challenged their conviction and sentence and the said appeal is also pending adjudication before learned Additional Sessions Judge, Patiala, for 31.07.2014. He further contends that during the pendency of the appeal, better sense prevailed and both the factions have sorted out their disputes and effected a compromise due to intervention of the respectable and elderly people of the society. All the offences except offence u/s 148, IPC, were compoundable as per

the provisions contained in Section 320, Cr.P.C. The learned counsel further submitted that as per the directions issued by this Court, the petitioners and the private respondents of this case did appear before Court below and got recorded their statement with regard to the compromise. He further contends that the pendency of the proceedings arising out of the impugned FIR would be sheer abuse of the process of law in view of the settlement arrived at between both the private factions. Reliance has been placed on the judgments in the matters of [Gian Singh Vs. State of Punjab and Another](#), and [Sube Singh and Another Vs. State of Haryana and Another](#),

9. Learned counsel for the State on instructions from Sub Inspector Harjinder Singh, Police Station, Sadar, Rajpura, District Patiala, very fairly concedes that except Section 148, IPC, rest of the offences are compoundable. He further concedes that both the private factions have resolved their all disputes and as such he has no objection if the impugned FIR and the consequential proceedings emanating therefrom are quashed.

10. Learned counsel for respondents No. 2 to 4 has also admitted the factum of compromise and has no objection if the prayer of the petitioner is accepted and the impugned FIR as well as the consequential proceedings arising therefrom are quashed.

11. I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

12. Petitioners were held guilty for the offences punishable u/s 148 and 323 read with Section 149, IPC, by learned trial Court. Dissatisfied with the judgment of conviction and sentence, an appeal was preferred before the Court of Session, which is pending adjudication for 31.07.2014 before learned Additional Sessions Judge, Patiala. In the meantime, the better sense prevailed and respondents No. 2 to 4 (injured) sorted out their dispute and effected the compromise with the petitioners. The present criminal litigation had emanated on account of a trivial issue. The petitioners have also effected compromise in the cross-case in which the other party was also convicted and sentenced.

13. In Sube Singh's case (supra), the Hon'ble Division Bench of this Court held that while exercising its powers u/s 482, Cr.P.C., the High Court is vested with unparallel power to quash the criminal proceedings at any stage to secure the ends of justice. It was further clarified that even at appellate stage, the High Court can quash the criminal proceedings.

14. Keeping in view the totality of the facts and circumstances of the case and the fact that only the offence u/s 148, IPC, is non-compoundable, the present petition is allowed and FIR No. 523, dated 10.11.2000, for the offences punishable under Sections 148 and 323 read with Section 149, IPC, registered at Police Station, Sadar, Rajpura, District Patiala, as well as the judgment of conviction and the order of

sentence dated 08.10.2013 passed by learned Judicial Magistrate 1st Class, Rajpura, are hereby quashed and resultantly the petitioners are acquitted of the charges levelled against them.