
(2012) 11 P&H CK 0047

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-28095 of 2012 (O and M)

Bagicha Singh and others

APPELLANT

Vs

State of Punjab and others

RESPONDENT

Date of Decision : 17-11-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 148, 149, 323, 324, 325

Citation : (2012) 11 P&H CK 0047

Hon'ble Judges : Paramjeet Singh, J

Bench : Single Bench

Advocate : P.S. Cheema, for the Appellant; Gurinderjit Singh, DAG, Punjab and Mr. Nakul Sharma, Advocate, for respondents No. 2 and 3, for the Respondent

Final Decision : Allowed

Judgement

Paramjeet Singh, J.—Present petition has been filed u/s 482 Cr.P.C. for quashing of criminal case No. 17-1 dated 20.4.2005 under Sections 326 /325 /324 /323 /354 /148 /149 IPC titled "Kulwant Kaur vs. Bagicha Singh etc." pending in the Court of Judicial Magistrate Ist Class, Ferozeur as well as summoning order dated 14.2.2007 passed by JMIC, Ferozepur, and all other consequential proceedings arising out of the said complaint on the basis of compromise by way of affidavits of the complainants. Learned counsel for the petitioners has relied upon a judgment of this Court in the matter of Bhupinder Kaur vs. State of Punjab and another, 2004 (2) RCR (Criminal) 443 to contend that there is no reasonable likelihood of the accused being convicted for the offence for the reason that the complainant has compromised the matter with the accused and he is not likely to support the prosecution and from other facts and circumstances available on the record, therefore, it would not be in the interest of justice to decline the prayer for quashing of the criminal case on the ground that it would amount to be permitting the parties to compound non-compoundable offence.

2. Learned counsel for the complainants, on instructions from the complainants, states that complainants would have no objection, if the present criminal case along with consequential proceedings, arising out of it, are quashed. Rather it would be in the interest of both the parties in order to live peacefully and harmoniously because of amicable settlement between the parties.

3. Learned counsel for respondents No. 2 and 3 - complainants has also handed over affidavits dated 17.11.2012 to the above effect, which is taken on record.

4. Consequently, in view of compromise/affidavits and keeping in view the law laid down by the Hon''ble Apex Court in the case of Madan Mohan Abbot vs. State of Punjab, 2008 (2) RCR (Criminal) 429, which has been affirmed by a Larger Bench of the Hon''ble Supreme Court in Gian Singh vs. State of Punjab and another, SLP (Crl.) No. 8989 of 2010 decided on 24.9.2012, by the Full Bench judgment of this Court in the case of Kulwinder Singh and others vs. State of Punjab and another, 2007 (3) RCR (Crl.) 1052, and judgment of this Court in Bhupinder Kaur's case (supra) no useful purpose would be served in prolonging the litigation, especially when this case does not fall within the category of exceptional cases where this Court should not exercise its inherent jurisdictional power to quash the criminal proceedings, as held in Gian Singh's case (supra). In the facts and circumstances of this case it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of the criminal proceedings would amount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and to secure the ends of justice, therefore, it is appropriate that criminal case is put to an end. Present petition is allowed. Criminal case No. 17-1 dated 20.4.2005 under Sections 326/ 325/ 324/ 323/ 354/ 148/ 149 IPC titled "Kulwant Kaur vs. Bagicha Singh etc." pending in the Court of Judicial Magistrate Ist Class, Ferozeur as well as summoning order dated 14.2.2007 passed by JMJC, Ferozepur, are hereby quashed and all the criminal proceedings arising out of the said complaint also stand quashed.