

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

CRM-M No.15326 of 2015

Date of Decision:-04.09.2015

Gurpreet Singh @ Pinta & Ors.

.....Petitioners.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Tejinder Pal Singh, Advocate for the Petitioners.

Mr. K.S. Sidhu, Deputy Advocate General, Punjab.

Mr. Sandeep Verma, Advocate for respondent nos.2 to 4.

JASWANT SINGH, J.(ORAL)

Three accused and convicted petitioners have invoked the jurisdiction of this Court under Section 482 Cr.PC for quashing of FIR No.44 dated 12.02.2007 for offences punishable under Sections 323, 324, 34 of Indian Penal Code (Section 326 IPC added later on) registered with Police Station Kotwali, Patiala as also the subsequent judgment of conviction and order of sentence dated 27.5.2014 passed by the learned Judicial Magistrate, Ist Class, Patiala and the consequent order of sentence whereby they have been sentenced to undergo two years rigorous imprisonment for offence under Section 326 of Indian Penal Code and six months rigorous imprisonment for offence under Section 323 of Indian Penal Code. The appeal against the judgment of conviction and order of

sentence (P-2) concededly filed and pending before the learned Sessions Judge, Patiala.

The complainants who are residents of the same locality have been impleaded as private respondent nos.2 to 4. They have acknowledged the settlement of the dispute between the parties as they have to peacefully reside in the same area.

Upon directions passed by this Court a report from JMIC, Patiala dated 4.6.2015 duly forwarded by the letter dated 06.06.2015 of learned District & Sessions Judge, Patiala has been received whereby after recording of the statements of the parties including affected parties, it has been found that the parties have voluntarily and genuinely affected a compromise which is annexed as Annexure Mark-A.

Learned Counsel for the petitioners has placed reliance upon a recent judgment of Hon'ble Supreme Court in **Nanda Gopalan Vs. State of Kerala 2015(2) RCR (Criminal) 861.**

Learned State Counsel on instructions from ASI submits that after conviction, the quashing of the FIR and setting aside of the order of conviction is not permitted, however, in the light of the statements, quantum of sentence can be reduced being a mitigating factor. In support he has cited a recent judgment of the Hon'ble Supreme Court in **Narinder Singh & Ors. Vs. State of Punjab & Anr. 2014 (2) RCR (Criminal) 482.**

At this stage learned Counsel for the petitioners, in the light of the settled law gives up his claim for quashing of the FIR as also the setting aside of the judgment of conviction, however, prays only for reduction of the sentence to the period of imprisonment already undergone since

complainants have been adequately compensated and have no objection. The restricted prayer on behalf of the petitioners is reasonable and liable to be accepted in view of the **Nanda Gopalan's case (*supra*)**. However, since admittedly appeal against conviction and sentence order is pending before the lower Appellate Court, it would not be appropriate for this Court to pass any order of reduction of the quantum of sentence. Therefore, the present petition is liable to be disposed of with permission to the petitioners-convicts to approach the lower Appellate Court to file an appropriate application in the pending appeal for seeking the necessary relief.

Ordered accordingly.

(JASWANT SINGH)
JUDGE

September 04, 2015
Vinay