

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

C.R.M-M No.28505-2013

Date of decision :08.10.2015

Anoop Singh & others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr.Veneet Sharma, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.179 dated 01.07.2004 registered under Sections 326/324/148/149 IPC at P.S. Lopoke, Police District Majitha, District Amritsar during the stage of appeal.

On 23.09.2014 the following order was passed :-

“Since this petition has been filed by the petitioners for quashing of the FIR on the basis of compromise, parties are directed to be present before the Chief Judicial Magistrate, Amritsar on 01.10.2014 or any other date convenient to the Court for recording their statements with regard to compromise. The Chief Judicial Magistrate, Amritsar is directed to record the

statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Chief Judicial Magistrate, Amritsar is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any other case is pending against either of the parties or not before the next date of hearing. The Chief Judicial Magistrate is also directed to intimate with regard to pendency of any P.O proceedings against the parties.

Adjourned to 20.11.2014.”

Learned counsel has stated that the compromise has been proved. By order dated 19.11.2014 statements have been recorded and as per the report parties have entered into compromise. Learned counsel has relied upon ***Sube Singh and another Vs. State of Haryana and another, 2013 (4) R.C.R. (Criminal) 102*** wherein this Court had held that quashing could even be done during appeal.

Learned Deputy Advocate General has however, relied upon ***Narinder Singh and others Vs. State of Punjab and another, 2014 (2) RCR (Criminal) 482***, as per which the Hon'ble Supreme Court had laid down certain guidelines for quashing and it was mentioned therein that quashing of FIR could not take place after the conviction had been recorded.

Keeping in view the entire facts and position of law enunciated in *Narinder Singh (Supra)* I am inclined to agree with the contention of the learned Deputy Advocate General and consequently reject the plea for quashing of the FIR. However, in view of the agreement between parties I set aside the sentence imposed upon the petitioners.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

October 08, 2015

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**