

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

Date of decision:15.12.2015

(1) CRM-M 25766/2015

Parta Ram @ Ram Partap

.....Petitioner

v.

State of Punjab and another

.....Respondents

(2) CRM 25779/2015

Vinod Kumar

.....Petitioner

v.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Ashok Kumar Khunger,Advocate for the petitioners

Mr.Kirat Singh Sidhu,DAG Punjab with
ASI Hardev Singh

Jaswant Singh,J.(Oral)

This order will dispose of aforesaid two petitions seeking
quashing of version and cross version and all subsequent proceedings

arising therefrom on the basis of compromise dated 14.3.2015 arrived at between the parties.

CRM-M 25766/2015 has been filed by convict-petitioner Parta Ram @ Ram Partap seeking quashing of FIR No.64 dated 19.3.2009 under Section 324 IPC, PS Sadar, Abohar Distt. Fazilka wherein he stands convicted for the offences under Sections 326/34 IPC and sentenced to undergo RI for a period of two year under Section 326 IPC and RI for one year under Section 324 IPC by the learned SDJM Abohar vide judgment and order dated 11.12.2013.

CRM-M 25779/2015 has been filed by convict-petitioner Vinod Kumar seeking quashing of DDR No.31 dated 19.2.2009 under Section 354 IPC, recorded in aforesaid FIR wherein he stands convicted under Section 354 IPC and sentenced to undergo RI for a period of one year by learned SDJM, Abohar vide judgment and order dated 11.12.2013.

Appeal against judgments of conviction and orders of sentence is concededly pending in the Court of learned Additional Sessions Judge, Fazilka.

Upon directions by this Court, learned SDJM, Abohar vide his two separate reports dated 22.9.2015 (taken on record as Mark-A and B) has reported that the parties have effected compromise with their own free will and without any pressure and complainants have no objection if the accused are acquitted/discharged and the quashing

petition filed by them is accepted.

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

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

At this stage, learned counsel for the petitioners, in the light of settled law gives up his claim for quashing of FIR/cross version as also the setting aside the judgment of conviction and order of sentence, however, prays only for reduction of the sentence to the period of imprisonment already undergone since matter has been compromised. The restricted prayer on behalf of petitioners is reasonable and liable to be accepted in view of the **Nanda Gopalan's case (supra)**. However, since admittedly appeals against conviction and sentencing 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 petitions are disposed of with permission to the petitioners-convicts to approach the lower Appellate

Court to file an appropriate application in their pending appeals for seeking the necessary relief.

Ordered accordingly.

A copy of this order be placed on the file of connected case.

15.12.2015.
joshi

(Jaswant Singh)
Judge