

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

CRM-M No.38370 of 2014(O&M)

Date of Decision :12.02.2015

Jarnail Singh and others

.....Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

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

Mr.Deepak Garg, AAG, Punjab.

Mr.Gurjeet Singh Randhawa, Advocate
for respondent No.2.

- i. Whether Reporters of local papers may be allowed to see the judgment?
- ii. To be referred to the Reporters or not?
- iii. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This is a petition for quashing of FIR on the basis of compromise and all consequential proceedings including setting aside of conviction of the petitioners.

On 12.11.2014 the following order was passed:-

“ The present petition has been filed under Section 482 Cr.P.C.for quashing of F.I.R. No.111 dated 13.07.2003 registered under Sections 325, 326, 323, 148, 149 IPC at Police Station Guruhar Sahai, District Ferozepur and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

Notice of motion.

Ms. Amarjit Kaur Khurana, Additional Advocate General,

Punjab, at the asking of the Court, accepts notice on behalf of respondent No.1. Learned counsel for the petitioners undertakes to supply a copy of the petition to the learned Addl. AG during the course of the day.

To come up on 12.02.2015.

Meanwhile, the parties are directed to be present before the Appellate Court on the date fixed on 21.11.2014 or any other date convenient to the Court for recording their statements with regard to compromise. The Court 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 Court is further directed to send report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal case is pending against either of the parties or not before the next date of hearing.”

Thereafter, the report of the Addl. Sessions Judge, Ferozepur dated 20.01.2015 has been received whereby he had mentioned that the parties had appeared before him and had attested to the fact that a compromise had indeed taken place between them and that the compromise had been executed voluntarily and without any pressure. He has further reported that no criminal case is pending against either of the parties. Learned AAG has also accepted this fact.

Learned counsel for the petitioners has argued that since the offences with which the petitioners were charged, convicted and sentenced are compoundable and that the parties have entered into a compromise and prays that necessary permission be granted to compound the offences. He has also relied upon a decision of the Hon'ble Supreme Court in **Sube Singh and another v. State of Haryana and another**, 2013(4) RCR(Criminal) 102 where it has been held that High Court can quash the proceeding even after order of conviction. He has also referred to a decision of this Court in **CRM-M No. 33563 of 2013, Mohinder Singh and another v. State of Punjab and others** where this Court has quashed criminal complaint and order of conviction on the basis of compromise. Learned counsel for the respondent No.2 states that the matter has been compromised and he has no

objection if the judgment/order of conviction and sentence are set aside.

Considering the above circumstances and the aforesaid judicial pronouncements, the parties are allowed to compound the offence under Sections 325, 326, 323, 148, 149 IPC and all the consequential proceedings arising therefrom are quashed qua the petitioners and their conviction and order of sentence are set aside.

Petition stands disposed of accordingly.

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

(AJAY TEWARI)

JUDGE

February 12, 2015

sunita