

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

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CRM-M-3991 of 2015 (O&M)

Decided on : 29.04.2015

Balbir Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr. Sunil Agnihotri, Advocate for the petitioners.

Mr. P.S. Madahar, AAG, Punjab.

Mr. Vishal Munjal, Advocate for respondents No.2 and 3.

1. Whether reporters of local newspapers may be allowed to see judgment? **Yes**
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Hari Pal Verma, J. (Oral)

Balbir Singh, Satish Kumar and Surinder Kumar, petitioners herein have filed the present petition for quashing of FIR No.50,dated 06.03.2005, under Sections 420, 467, 468 and 120-B, IPC, registered against the petitioners at Police Station Mukerian, Hoshiarpur (Annexure P/1) on the basis of compromise dated 11.12.2014 (Annexure P/2) alongwith consequential proceedings arising therefrom.

The trial court vide judgment dated 22.05.2012 convicted the petitioners for the offence punishable under Sections 420, 467, 468 and 471, IPC and vide sperate order dated 22.05.2015, sentenced the petitioners as under:-

Convict Balbir Singh

1	U/s 420 IPC	To undergo rigorous imprisonment for a period of three years and to pay fine of Rs.1,000/- (Rs.One thousand only). In case of default of payment of fine, to further undergo rigorous imprisonment for a period of fifteen days.
2	U/s 467 IPC	To undergo rigorous imprisonment for a period of three years and to pay fine of Rs.1,000/- (Rs. one thousand only). In case of default of payment of fine, to further undergo rigorous imprisonment for a period of fifteen days
3	U/s 468 IPC	To undergo rigorous imprisonment for a period of three years and to pay fine of Rs.1,000/- (Rs. One thousand only). In case of default in payment of fine, to further undergo rigorous imprisonment for a period of fifteen days.
4	U/s 471 IPC	To undergo rigorous imprisonment for a period of three years and to pay fine of Rs.1,000/- (Rs. One thousand only). In case of default in payment of fine, to further undergo rigorous imprisonment for a period of fifteen days.

Convict Satish Kumar

1	U/s 420 IPC	To undergo rigorous imprisonment for a period of three years and to pay fine of Rs.1,000/- (Rs.One thousand only). In case of default of payment of fine, to further undergo rigorous imprisonment for a period of fifteen days.
2	U/s 467 IPC	To undergo rigorous imprisonment for a period of three years and to pay fine of Rs.1,000/- (Rs. one thousand only). In case of default of payment of fine, to further undergo rigorous imprisonment for a period of fifteen days

1	U/s 420 IPC	To undergo rigorous imprisonment for a period of three years and to pay fine of Rs.1,000/- (Rs.One thousand only). In case of default of payment of fine, to further undergo rigorous imprisonment for a period of fifteen days.
3	U/s 468 IPC	To undergo rigorous imprisonment for a period of three years and to pay fine of Rs.1,000/- (Rs. One thousand only). In case of default in payment of fine, to further undergo rigorous imprisonment for a period of fifteen days.
4	U/s 471 IPC	To undergo rigorous imprisonment for a period of three years and to pay fine of Rs.1,000/- (Rs. One thousand only). In case of default in payment of fine, to further undergo rigorous imprisonment for a period of fifteen days.

Convict Surinder Kumar

	U/s 420 IPC	To undergo rigorous imprisonment for a period of three years and to pay fine of Rs.1,000/- (Rs.One thousand only). In case of default of payment of fine, to further undergo rigorous imprisonment for a period of fifteen days.
2	U/s 467 IPC	To undergo rigorous imprisonment for a period of three years and to pay fine of Rs.1,000/- (Rs. one thousand only). In case of default of payment of fine, to further undergo rigorous imprisonment for a period of fifteen days
3	U/s 468 IPC	To undergo rigorous imprisonment for a period of three years and to pay fine of Rs.1,000/- (Rs. One thousand only). In case of default in payment of fine, to further undergo rigorous imprisonment for a period of fifteen days.
4	U/s 471 IPC	To undergo rigorous imprisonment for a period of three years and to pay fine of Rs.1,000/- (Rs. One thousand only). In case of default in payment of fine, to further undergo rigorous imprisonment for a period of fifteen days.

Against the judgment of conviction dated 22.05.2012, the

petitioners filed an appeal before the learned Additional Sessions Judge, Hoshiarpur and the appeal is pending before the appellate court.

It is during the pendency of the appeal before Additional Sessions Judge, Hoshiarpur, the parties are stated to have entered into compromise (Annexure P/2)

On 21.04.2015, this Court has passed the following orders:-

“Prayer in the present petition is for quashing of FIR No.50, dated 06.03.2005, under Sections 420, 467, 468 and 120-B, IPC, registered against the petitioners at Police Station Mukerian, Hoshiarpur (Annexure P/1) on the basis of compromise dated 11.12.2014 (Annexure P/2) alongwith consequential proceedings arising therefrom.

Parties are present in person. Petitioners namely, Balbir Singh, Surinder Kumar Walia and Satish Kumar are identified by Mr.Sunil Agnihotri, Advocate for the petitioners whereas Pritam Singh Chahal and Keshav Dass Sharma, respondents No.2 and 3 are identified by Mr.Vishal Munjal, Advocate appearing on their behalf.

Learned State counsel seeks time to assist the Court in the matter regarding quashing of FIR when the appeal against conviction is pending before the learned Sessions Judge.

Adjourned to 29.04.2015.”

In compliance of the above order passed by this Court, the Sub Divisional Judicial Magistrate, Mukerian, has submitted a report dated 27.02.2015 vide which it is mentioned that parties have appeared before the trial Court and gave their statements without any pressure and with their free will in respect of compromise effected between them.

Learned State counsel has also admitted the factum of

compromise effected between the parties. After perusing the statements of the parties and the report of Sub Divisional Judicial Magistrate, Mukerian, learned State counsel submits that he has no objection if the impugned FIR is quashed.

The petitioners namely, Balbir Singh son of Darshan Singh, Surinder Kumar Walia son of Ganga Bishan Walia and Satish Kumar son of Ganga Bishan Walia are present and they have been identified by Mr.Sunil Agnihotri, Advocate for the petitioners. Similarly, Mr.Pritam Singh Chahal son of Joginder Singh Chahal and Keshav Dass Sharma son of Dhani Ram who are complainant in the case, are also present and have been identified by Mr.Vishal Munjal, Advocate for respondents No.2 and 3.

Learned counsel for the petitioners submits that since the matter has been compromised as referred in Annexure P/2, the FIR in question deserves to be quashed. In support of his contention that during the pendency of the appeal, if parties enter into compromise, the matter can be compounded, learned counsel for the petitioners relies upon 2013 (4) RCR (Criminal) 102 titled as **Sube Singh and another Vs. State of Haryana and another**, and 2014(3) RCR (Criminal) 578 titled as **Baghel Singh Vs. State of Punjab**.

Consequently, for the reasons stated here-in-above, the present petition is allowed and judgment and order dated 22.05.2012 passed by Sub Divisional Judicial Magistrate, Mukerian is set aside on the basis of compromise as entered into between the petitioners and respondents No.2 and 3, and the criminal complaint filed by the respondents is dismissed. Resultantly, the appeal preferred by the

petitioners against the order dated 22.05.2012 passed by the Sub Divisional Judicial Magistrate, Mukerian, would be rendered infructuous and shall be so declared by the first appellate court at Hoshiarpur.

[Hari Pal Verma]
Judge

29.04.2015
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