

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

Decided on: December 13, 2016

1. CRM-M-9912-2016

Gopal Dass and others

...Petitioners...

versus

State of Punjab and others

...Respondents...

2. CRM No. M-32100 of 2015

Gurnam Singh and others

...Petitioners...

versus

State of Punjab and others

...Respondents...

CORAM : HON'BLE MR. JUSTICE JASPAL SINGH

Present : Mr. Amarinder Preet, Advocate
for the petitioners in CRM No. M-9912 of 2016 and
for respondents No.2 to 6 in CRM No. M-32100 of 2015.

Mr. RPS Sidhu, AAG, Punjab,
for respondent No.1-State.

Mr. L.S. Lakhanpal, Advocate
for respondents No. 2 to 4 in CRM-M-9912-2016 and
for the petitioners in CRM No. M-32100 of 2015.

JASPAL SINGH, J.

By this common order, this Court intends to dispose of two
petitions i.e. CRM No. M-9912 of 2016 filed by *Gopal Dass and others* and
CRM No. M-32100 of 2015 filed by *Gurnam Singh and others*.

2. CRM-M-9912 of 2016 has been filed for quashing of FIR No.93, dated 01.06.2007, under Sections 323, 324, 148, 149 IPC, Police Station City Gurdaspur (Annexure P-1) along with all subsequent proceedings arising therefrom, on the basis of compromise dated 26.08.2015 (Annexure P-3).
3. CRM No. M-32100 of 2015 has been filed for quashing of DDR No. 52 dated 02.06.2007, under Sections 323, 325, 34 IPC, Police Station City Gurdaspur, District Gurdaspur (Annexure P-1) recorded in FIR No.93, dated 01.06.2007, under Sections 323, 324, 148, 149 IPC, Police Station City Gurdaspur (Annexure P-2) along with all subsequent proceedings arising therefrom, on the basis of compromise dated 26.08.2015 (Annexure P-3).
4. Concededly, both the parties in version and cross-version case were convicted by ld. trial court for a period of one year.
5. Aggrieved against the judgement passed by ld. trial court, both the parties preferred appeal before ld. Appellate Court, which is pending adjudication.
6. During the pendency of appeal, both the parties amicably settled their dispute, which was reduced into writing on 26.08.2015. The factum of compromise as well as its genuineness were got verified from the ld. Magistrate, who has submitted his detailed report including the statements of parties. In his report, he has categorically observed that parties have effected compromise without any pressure, coercion and same has been done with the free consent of the parties. Even otherwise, the matter involved is personal in nature, which has been amicably put at rest. Compromise is the soul of justice, which not only enhances the social amity, harmony and peace but also reduces friction and discord.

7. So, in view of circumstances narrated above as well as the observations made in case reported as “*Kulwinder Singh and others vs. State of Punjab and another,*” 2007 (3) RCR (Criminal) 1052 I am of the considered opinion that continuation of criminal proceedings between the parties would be an abuse of the process of law and the present compromise is for the benefit of the parties and would certainly bring peace and harmony between them.

8. Consequently, both the petitions are allowed, FIR No.93, dated 01.06.2007, under Sections 323, 324, 148, 149 IPC, Police Station City Gurdaspur and all other consequential proceedings arising therefrom including cross case bearing DDR No. 52 dated 02.06.2007, under Sections 323, 325, 34 IPC, Police Station City Gurdaspur, District Gurdaspur are quashed qua the petitioner(s) and judgment of conviction and order of sentence are set aside. Petitioner(s) have been acquitted of the charges framed against them on the basis of compromise.

December 13, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**