

**239(2) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRA S-931-SB of 2017 (O&M)

Date of Decision: 03.07.2017.

Jagmohan Singh

... Appellant

Versus

State of Punjab and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Mohinder Kumar, Advocate,
for the petitioner.

Mr. A.S. Gill, Sr. DAG Punjab.

Ms. Sarvpreet Kaur and Mr. Gagan Bhatia in person
with their counsel Mr. L.M. Gulati, Advocate.

JITENDRA CHAUHAN.J.

This appeal is directed against the judgment and order dated 15.02.2017 passed by Additional Sessions Judge, Amritsar vide which the appellant was convicted under Sections 326, 323 and 324 IPC and sentenced to undergo RI for two years in FIR No. 130 dated 31.05.2012 registered at Police Station A Division Amritsar.

During the pendency of present appeal, the appellant has moved CRM No. 9952 of 2017 for quashing of the aforesaid FIR and subsequent proceedings arising therefrom on the basis of

compromise dated 31.01.2017 (Annexure A-4) arrived at between the parties before the Mediation and Conciliation Centre, Amritsar.

The complainant and injured are also present in person and they admit the factum of compromise. They further state that they shall be bound by the terms of the compromise.

It is contended that it is a inter-se family dispute. The parties have amicably settled the matter. The sentence of the complainant has been ordered to be reduced in FIR No. 228 dated 07.11.2007 by this Court vide order of even date (03.07.2017) passed in CRM M-7463 of 2017 on the basis of compromise.

In **Narinder Singh and Others Vs. State of Punjab and Another (2014) 6 SCC 466**, it has been held as under:-

“29. At this juncture, we would like also to add that the timing of settlement would also play a crucial role. If the settlement is arrived at immediately after the alleged commission of offence when the matter is still under investigation, the High Court may be somewhat liberal in accepting the settlement and quashing the proceedings/investigation. Of course, it would be after looking into the attendant circumstances as narrated in the previous para. Likewise, when challan is submitted but the charge has not been framed, the High Court may exercise its

discretionary jurisdiction. However, at this stage, as mentioned above, since the report of the I.O. under Section 173, Cr.P.C. is also placed before the Court it would become the bounding duty of the Court to go into the said report and the evidence collected, particularly the medical evidence relating to injury etc. sustained by the victim. This aspect, however, would be examined along with another important consideration, namely, in view of settlement between the parties, whether it would be unfair or contrary to interest of justice to continue with the criminal proceedings and whether possibility of conviction is remote and bleak. If the Court finds the answer to this question in affirmative, then also such a case would be a fit case for the High Court to give its stamp of approval to the compromise arrived at between the parties, inasmuch as in such cases no useful purpose would be served in carrying out the criminal proceedings which in all likelihood would end in acquittal, in any case.”

Hence, in view of the guidelines laid down by Hon'ble the Supreme Court, this Court is not inclined to quash the proceedings on the basis of compromise. However, considering the fact

that the appellant has already suffered agony of criminal trial as the FIR was registered on 31.05.2012. It is one of the mitigating circumstance to take a lenient view in the matter. In view of the above, the sentence awarded to the appellant is ordered to be reduced to the period already undergone. Ordered accordingly. However, the parties shall remain bound by the terms of the compromise (Annexure A-4).

03.07.2017.

(JITENDRA CHAUHAN)

SN

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No