

247.

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

CRM-M-20372-2017

Date of decision:27.09.2017.

SINDERPAL SHARMA

... Petitioner

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sumeet Puri, Advocate,
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab,
for respondent No.1.

Mr. D.S. Gandhi, Advocate, for
Mr. Rahul Sharma, Advocate,
for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.329 dated 15.11.2012 under Sections 279, 337, 338, 427 IPC registered at Police Station City Sangrur, District Sangrur and all subsequent proceedings arising therefrom as well as judgment of conviction and order of sentence dated 16.02.2016 (Annexure P-1) passed by learned Chief Judicial Magistrate, Sangrur, whereby the accused-petitioner was convicted for offence under Sections 279 and 338 IPC, on the basis of compromise dated 26.05.2017 (Annexure P-2).

This Court vide order dated 08.08.2017 had directed the

parties to appear before the appellate Court to get their respective

statements recorded with regard to compromise and the Court was directed to send its report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties.

Pursuant to the aforesaid order, parties have appeared before learned District & Sessions Judge, Sangrur and got their statements recorded. On the basis of the statements so recorded, the appellate Court has submitted its report dated 19.08.2017 to the effect that the compromise arrived at between the parties is genuine, voluntary and without any coercion or undue influence.

The factum of compromise between the parties has not been disputed by learned State counsel.

I have heard learned counsel for the parties.

Perusal of the report submitted by learned appellate Court reveals that statement of respondent No.2-complainant Ram Lal has been recorded by learned Sessions Judge on 14.08.2017. Said statement of respondent No.2-complainant, who is author of the FIR in question, made before the appellate Court is being reproduced as under:-

“An FIR No.329 dated 15.11.2012 under Sections 279/337/338/427 IPC, Police Station City Sangrur was got registered against accused Sinderpal Sharma on my statement and in the said case, he was convicted by the learned trial Court on 16.02.2016. In this case, I had received injuries. At present, appeal is pending in this Court. I am resident of same city. Now, with the intervention of respectables and relatives, the matter between me and accused/appellant has been compromised, which is genuine, voluntary and without any coercion or

undue influence. I have no objection if the Criminal Miscellaneous No.M-20372 of 2017 pending before the Hon'ble High Court is accepted.”

This Court in the case of **Sube Singh and another Versus State of Haryana and another 2013(4) RCR (Criminal) 102** has considered the compounding of offences at the appellate stage and has observed that even when appeal against the conviction is pending before the Sessions Court and parties entered into a compromise, the High Court is vested unparallel power under Section 482 Cr.PC to quash criminal proceedings at any stage so as to secure the ends of justice.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Thus, in view of the observations made by this Court in **Sube Singh's case (supra)** as well as following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Versus State of Punjab and another-2007 (3) RCR (Criminal) 1052** and approved by the Hon'ble Supreme Court in **Gian Singh Versus State of Punjab and others-(2012) 10 SCC 303**, this petition is allowed and FIR No.329 dated 15.11.2012 under Sections 279, 337, 338, 427 IPC registered at Police Station City Sangrur, District Sangrur and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 26.05.2017 (Annexure P-2).

Resultantly, the impugned judgment of conviction and order of sentence dated 16.02.2016 (Annexure P-1) passed by learned Chief Judicial Magistrate, Sangrur in the aforementioned FIR are set aside. The appeal preferred by the petitioner against the said judgment and order is rendered infructuous and shall be declared so by the appellate Court.

(HARI PAL VERMA)
JUDGE

27.09.2017
sanjeev

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No