

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-32125 of 2017

DATE OF DECISION:27.09.2017

Gurmail Singh @ Gella and another... **Petitioner(s)**

V.

State of Punjab and another... **Respondent(s)****CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**Present: Mr. Rajinder Goyal, Advocate
for the petitioners.

Ms Rajni Gupta, Senior Deputy Advocate General, Punjab.

Mr.Charanpreet Singh, Advocate for respondent No.2.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioners are seeking quashing of FIR No.192 dated 05.11.2008, under Sections 324/323/380/457/34 of the IPC, registered at Police Station Dhariwal, District Gurdaspur (Annexure P-1) as well as judgment of conviction dated 14.01.2014 (Annexure P-2) passed by Judicial Magistrate Ist Class, Gurdaspur, on the basis of compromise dated 08.04.2015 (Annexure P-4), which has been arrived at between the parties.

Learned counsel for the petitioners contends that the FIR is an outcome of a sudden quarrel between the residents of same village which has now been resolved and the matter has been compromised. Learned counsel for the petitioners has placed reliance upon a judgment of Single Bench of this Court in CRM-M No.16531 of 2016 titled **Sukhdev Singh and others Vs. State of Punjab and another**, decided on 02.09.2016 and judgment of a Division Bench of this Court in the case of **Sube Singh and another Vs. State of Haryana and another**, 2013(4) RCR(Criminal) 102, wherein

it has been held that this Court Section 482 of the Cr.P.C. is empowered to quash criminal proceedings at any stage including the pendency of appeal to secure the ends of justice.

A coordinate Bench of this Court vide order dated 31.08.2017 had directed the parties to appear before the trial Court to record the statements of the parties with regard to genuineness of the compromise and send a report to this Court. The report of JMIC, Gurdaspur dated 19.09.2017 has been received, wherein it is stated that in pursuance to the order of this Court, the statements of the parties were recorded which indicates that the compromise is genuine, without any coercion or undue influence.

The FIR is an outcome of a sudden quarrel between the residents of same village which has now been resolved and the matter has been compromised. It would be in the interest of justice if the FIR and all consequential proceedings arising therefrom including order of conviction are set aside to enable the parties to live in peace and harmony.

Consequently, the petition is allowed and FIR No.192 dated 05.11.2008 under Sections 324/323/380/457/34 of the IPC, registered at Police Station Dhariwal, District Gurdaspur is quashed qua the petitioners and conviction and order of sentence dated 14.01.2014 passed by Judicial Magistrate Ist Class, Gurdaspur, is set aside. The appeal preferred by the petitioners against the aforesaid judgment and order is rendered infructuous and shall be declared so by the first Appellate Court.

27.09.2017

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(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No