

CRM-M-33170-2017

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

**CRM-M-33170-2017
Decided on: 06.10.2017**

Harijot Singh @ Jyoti

...Petitioner

versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present : Mr. B.S. Saini, Advocate,
for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. C.S. Singhal, Advocate,
for respondent No.2.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking quashing of FIR No.71 dated 15.11.2011, under Sections 323 & 325 IPC, Police Station Mullanpur Garibdass, District S.A.S. Nagar (Annexure P-1), judgment of conviction and order of sentence dated 03.09.2016 passed by Judicial Magistrate Ist Class, Kharar in CrI. Case No. 339 of 2013 dated 14.02.2012 and all subsequent proceedings on the basis of compromise dated 30.08.2017 (Annexure P-3).

Learned counsel for the petitioner contends that the FIR is the outcome of a sudden quarrel between the residents of the same village and with the intervention of the respectables, the matter has been compromised.

This Court by the order dated 08.09.2017 had directed the

parties to appear before the Illaqa Magistrate/trial Court for recording their statements with regard to veracity of the compromise. The Judicial Magistrate Ist Class, Kharar, has sent his report dated 21.09.2017, wherein it is stated that in pursuance to the order of this Court, statements of the parties were recorded. As per the statements, compromise has been effected without any fear or undue influence.

Learned counsel for the petitioner 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 under 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.

The FIR is an outcome of a sudden quarrel between the residents of the same village and with the intervention of the respectables, 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 instant petition is allowed and FIR No.71 dated 15.11.2011, under Sections 323 & 325 IPC, Police Station Mullanpur Garibdass, District S.A.S. Nagar, is quashed qua the petitioner only. The judgment of conviction and order of sentence dated 03.09.2016 (Annexure

petitioner only. The appeal preferred by the petitioner against the aforesaid judgment and order is rendered infructuous and shall be declared so, by the first Appellate Court.

(ANUPINDER SINGH GREWAL)
JUDGE

06.10.2017
kanchan

Whether speaking/reasoned : Yes
Whether reportable : No