

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

**CRM No. M-37428 of 2016
DECIDED ON : 04.09.2017**

Raj Kumar and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. K. R. Dhawan, Advocate,
for the petitioners.

Ms. Seena Mand, DAG, Punjab.

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

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioners are seeking quashing of FIR No.54 dated 01.06.2006 under Sections 452/326/324/323/34 IPC registered at Police Station Badhni Kalan, District Moga and all consequential proceedings arising therefrom, including the judgment of conviction and order of sentence dated 09.10.2013 passed by Sub Divisional Judicial Magistrate, Nihal Singh Wala, on the basis of compromise (Annexure P-3), which has been arrived at between the parties.

Learned counsel for the petitioners contends that FIR is an outcome of a monetary dispute between the neighbors and with the intervention of respectables, the matter has been compromised.

A co-ordinate Bench of this Court by the order dated 27.10.2016 had directed the Appellate Court to record the statements of parties with regard to genuineness of the compromise and send a report to this Court. The report of Additional District and Sessions Judge, Moga, dated 23.11.2016, 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 they have entered into compromise voluntarily and without any pressure or undue influence.

Learned counsel for respondent No.2 states that the matter has indeed been compromised.

It has been held by a Division Bench of this Court in the case of "**Sube Singh and another V. State of Haryana and another**", **2013(4) RCR(Criminal) 102** that this Court under Section 482 of the Cr.P.C. is empowered to quash the criminal proceedings at any stage, even if the order of conviction has been recorded to do complete justice between the parties and to secure the ends of justice.

The instant FIR is an outcome of a monetary dispute between the neighbors, which has now been resolved with the intervention of the respectables. The parties want to put quietus to the matter and live in peace and harmony. It would be in the interest of justice if the judgment of conviction and order of sentence dated 09.10.2013 (Annexure P-2) passed by Sub Divisional Judicial Magistrate, Nihal Singh Wala, is set aside.

Consequently, the instant petition is allowed and FIR No. 54 dated 01.06.2006 under Sections 452/326/324/323/34 IPC registered at Police Station Badhni Kalan, District Moga, is quashed qua the petitioners only. The judgment of conviction and order of sentence dated 09.10.2013 (Annexure P-2) passed by Sub Divisional Judicial Magistrate, Nihal Singh Wala, is also set-aside qua the petitioners only. 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.

SEPTEMBER 04, 2017
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(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes
No