

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

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CRM-M-37594-2017

DATE OF DECISION: 14.12.2017

AMARJIT SINGH @ JEETA AND ANR ... Petitioner(s)

Versus

STATE OF PUNJAB AND ANR ... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. J.S. Ghumman, Advocate
for the petitioners.

Mr. Sandeep Vermani, Addl.A.G., Punjab.

Ms. Kulwinder Kaur, Advocate for
Mr. G.S. Pannu, Advocate for respondent No.2.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioners are seeking quashing of FIR No.42 dated 07.04.2011 under Sections 323, 324, 452, 148, 149 IPC (Sections 325 and 34 IPC added later on) (Sections 148 and 149 IPC deleted), registered at Police Station Goraya, District Jalandhar, on the basis of compromise (Annexure P-3), which has been arrived at between the parties and setting aside the judgment dated 08.02.2017 (Annexure P-2) vide which the petitioners were convicted under Sections 323 and 452 IPC.

Learned counsel for the petitioners contends that the FIR is outcome of an altercation between the residents of the same village due to some misunderstanding. The complainant, who was injured, has fully recovered. With the intervention of the Panchayat, matter has been compromised.

This Court by the order dated 10.11.2017 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 Judicial Magistrate Ist Class, Phillaur, dated 01.12.2017 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 outcome of an altercation between the residents of the same village due to some misunderstanding. The complainant, who was injured, has fully recovered. With the intervention of the Panchayat, matter has been compromised. It would be in the interest of justice if the FIR and all consequential proceedings arising therefrom including judgment of conviction & sentence are set-aside to enable the parties to live in peace and harmony.

In view of the mandate of 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, no useful purpose will be served by continuing the criminal proceedings.

Therefore, the petition is allowed and FIR No.42 dated 07.04.2011 under Sections 323, 324, 452, 148, 149 IPC (Sections 325 and 34 IPC added later on) (Sections 148 and 149 IPC deleted), registered at Police Station Goraya, District Jalandhar and all subsequent proceedings arising therefrom, are hereby quashed qua the petitioner(s) and judgment of conviction and sentence dated 08.02.2017 passed by Judicial Magistrate Ist Class, Phillaur, are set-aside. 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.

14.12.2017

SwarnjitS

**(ANUPINDER SINGH GREWAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No