

CRM No. M-43429 of 2016(O&M)

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-43429 of 2016(O&M)
Date of Decision : 25.08.2017

Charanjit Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Kunal Vinayak, Advocate for
Mr. Vishal Rattan Lamba, Advocate for the petitioners.

Ms. Monika Jalota, Deputy Advocate General, Punjab.

Mr. Arshdeep Singh Brar, Advocate
for respondents No. 2 and 3.

Anupinder Singh Grewal, J.(Oral)

The petitioners are seeking quashing of FIR No. 75, dated 30.05.2009, under Sections 323, 324, 148, 149 IPC, registered at Police Station Mehna, District Moga including conviction order dated 15.01.2016 passed by Judicial Magistrate Ist Class, Moga, on the basis of compromise dated 03.11.2016 (Annexure P-2), which has been arrived at between the parties.

Learned counsel for the parties contend that the FIR is outcome of a misunderstanding between brothers, which has now been resolved with the intervention of the respectables.

Learned counsel for respondents No. 2 and 3 states that the matter has indeed been compromised.

A coordinate Bench of this Court vide order dated 14.02.2017 had sought the report of the Appellate Court with

regard to genuineness of the compromise in the light of the statements of the parties. The report of the Additional Chief Judicial Magistrate, Moga, dated 24.04.2017, 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 they have entered into compromise voluntarily and without any pressure or undue influence.

Learned counsel for the petitioners has placed reliance upon a 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 by the Division Bench that this Court under Section 482 of the Cr.P.C. is empowered to quash criminal proceedings at any stage including the pendency of the appeal to secure the ends of justice. This has been followed by a Coordinate 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.

The instant case is outcome of a dispute between brothers on account of misunderstanding, which has now been resolved with the intervention of the respectables. 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 peacefully.

Consequently, the conviction and order of sentence dated 15.01.2016 passed by Judicial Magistrate Ist Class, Moga, 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.

August 25, 2017	(ANUPINDER SINGH GREWAL)
kanchan	JUDGE
Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No