

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

**CRM-M-171-2018
Date of decision: 19.07.2018**

Amrik Singh @ Toda and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Amrik Singh, Advocate
for the petitioners.

Mr. M. S. Nagra, AAG, Punjab.

None for respondent Nos. 2 and 3.

ARVIND SINGH SANGWAN, J. (Oral)

Petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No. 09 dated 11.01.2010, registered under Sections 452, 448, 148, 149 and 511 of the Indian Penal Code, 1860 (*for short 'IPC'*), at Police Station Zirakpur, District S.A.S. Nagar as well as the judgment of conviction and order of sentence dated 04.08.2016; vide which, the petitioners were held guilty for commission of offences punishable under Sections 452 and 149 of the IPC and were sentenced to undergo rigorous imprisonment for a period of 03 years with a fine of ₹1000/- each and in default of payment of fine, to further undergo rigorous imprisonment of 07 days; and all subsequent proceedings arising therefrom on the basis of the compromise entered into between the parties.

Brief facts of the case are that on 11.01.2010, on the complaint of one Shadi Ram son of Saun Ram @ Sarwan Singh, the aforesaid FIR was

registered against the petitioners and one Surjan Singh for causing injuries to the complainant and his nephews Surinder Singh and Sucha Singh while trying to take forcible possession of the house of the complainant.

During the pendency of the trial, one of the accused, i.e. Surjan Singh, has died and proceedings qua him were abated, vide order dated 22.04.2016 and complainant Shadi Ram has also died during the pendency of trial before recording his statement as a prosecution witness and the eye-witnesses Surinder Singh and Sucha Singh appeared before the trial Court and thereafter, the trial Court, vide impugned judgment, has convicted the petitioners and sentenced them as notice above.

The petitioners have filed appeal before the lower appellate Court which is pending before Additional Sessions Judge, S.A.S. Nagar and the sentence of the petitioners stands suspended.

During the pendency of the appeal, filed before the lower appellate Court, a compromise was effected between the parties and vide order dated 18.04.2018, the lower appellate Court was directed to record the statement of the parties and submit a report whether the compromise is genuine, voluntary and without any coercion or undue influence.

In pursuance to the aforesaid direction, Additional District & Sessions Judge-I has submitted a report after recording the statement of the petitioners/accused as well as of the eye-witnesses, namely Surinder Singh and Such Singh, who are the nephews of complainant Shadi Ram (now deceased). As per the statement of both the aforesaid eye-witnesses, it is stated that Shadi Ram has expired on 16.02.2012 and on his complaint, the present FIR was registered. Shadi Ram died issueless as his wife pre-deceased him and being his nephews, eye-witnesses Surinder Singh and

Sucha Singh are the only legal heirs of Shadi Ram. It is further submitted that they have compromised the matter with the petitioners/accused out of their own free will and without any pressure or coercion. The compromise has been effected as the parties have decided to live in peace and harmony in the society and they have no objection if the conviction of the petitioners is set aside. Similar statements have been made by the petitioners.

Learned State Counsel, on instructions from HC Sukhdev Singh, has not disputed the factual position.

After going through the aforesaid report, it is apparent that the parties have entered into a valid and legal compromise and that the eye-witnesses/complainants have made a statement that they have no objection if the conviction of the petitioners, as ordered by the trial Court, is set aside.

In ***Sube Singh and another vs. State of Haryana and another, 2013 (4) R.C.R. (Criminal) 102***, a Division Bench of this Court has held that even after the conviction, if the parties have settled the dispute amicably and have decided to live in peace and harmony, this Court, in exercise of powers under Section 482 Cr.P.C., can compound the offence.

Since the parties have amicably settled their dispute and have decided to live in peace and harmony and also in view of the judgment passed in ***Sube Singh's case (supra)***, I am of the opinion that the compromise, entered into between the parties, is in the welfare of both the parties.

In view of the above, offences are compounded and the judgment and order of sentence dated 04.08.2016 are modified to the extent that the sentence awarded by the trial Court is reduced to the sentence already undergone by the petitioners.

Petition stands disposed of.

However, this order will be subject to deposit of costs of ₹25,000/- with the District Legal Services Authority, S.A.S. Nagar. Petitioners are granted 08 weeks' time to deposit the said cost, failing which, this petition shall be deemed to have been dismissed without any further reference.

July 19, 2018
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>