

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-169 of 2017
Date of Decision : 14.05.2018

Prabhjot Singh @ Prabhu and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Kawaljyot Singh, Advocate for the petitioners.

Mr. Amit Mehta, Senior Deputy Advocate General, Punjab.

Mr. Shaurya Puri, Advocate for respondent No. 2.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioners are seeking quashing of FIR No. 52, dated 29.04.2011, under Sections 379, 353, 186, 148, 149 IPC, registered at Police Station Kartarpur, Tehsil and District Jalandhar and all consequential proceedings arising therefrom including conviction and order of sentence dated 30.09.2016 passed by Judicial Magistrate Ist Class, Jalandhar, on the basis of compromise (Annexure P-3), which has been arrived at between the parties.

Learned counsel for the petitioners contends that the allegations against the petitioners are that they had taken away Jareep (measuring instrument) from the complainant. There is no other allegation much less of any person having been assaulted in the incident, which was result of misunderstanding and the matter has now been compromised.

Learned counsel for the respondents states that the matter has

indeed been compromised.

A coordinate Bench of this Court by the order dated 11.01.2017, had directed 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, Jalandhar, dated 21.02.2017, 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 Single Bench of this Court in ***CRM-M No. 16531 of 2016*** titled as ***“Sukhdev Singh and others v. State of Punjab and another”***, decided on ***02.09.2016*** and judgments of a Division Bench of this Court in the cases of ***“Sube Singh and another v. State of Haryana and another”***, 2013(4) ***RCR(Criminal) 102*** and ***“Vinod @ Boda and others Vs. State of Haryana and another”***, decided on ***01.05.2013***, 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 instant complaint is an outcome of a misunderstanding between the parties, which has now been resolved with the intervention of 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 in peace and harmony.

Consequently, the instant petition is allowed and FIR No. 52, dated 29.04.2011, under Sections 379, 353, 186, 148, 149 IPC, registered at

Police Station Kartarpur, Tehsil and District Jalandhar, is quashed qua the petitioners only. The judgment of conviction and order of sentence dated 30.09.2016 (Annexure P-2) passed by Judicial Magistrate First Class, Jalandhar, 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.

(ANUPINDER SINGH GREWAL)
JUDGE

May 14, 2018
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Whether speaking/reasoned? *Yes/No*
Whether reportable? *Yes/No*