

111 CRM-M-20528-2017 (O&M) &
CRM-M-25252-2017 (O&M)

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

1. CRM-44079-2018 in/and
CRM-M-20528-2017 (O&M)

Paramjit Singh and Others ...Petitioners

Vs.

State of Punjab and Another ...Respondents

2. CRM-M-25252-2017 (O&M)

Dalip Singh and others ...Petitioners

Versus

State of Punjab and others ...Respondents

Date of Decision: December 11, 2018

CORAM:-HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. K.S. Sidhu, Advocate
for the petitioners (in CRM-M-20528-2017) and
for the respondent No.2 (in CRM-M-25252-2017).

Mr. R.S. Sekhon, Advocate
for the petitioners (in CRM-M-25252-2017) and
for the respondent No.2 (in CRM-M-20528-2017)

Mr. J.P. Ratra, D.A.G., Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

**CRM-44079-2018 in/and
CRM-M-20528-2017**

For the reasons stated in the application, which is duly
supported by an affidavit, which is not opposed by learned counsel for
the complainant, the same is allowed.

In the head note as well as in the prayer clause the details of
the criminal complaint be read as under:-

“First Petition under Section 482 of Cr.P.C. for

quashing of the complaint Criminal case No. 163/CIS No. COMI/1152/2013 (Annexure P-1) titled as Maya Kaur Vs. Paramjit Singh and Others under Sections 452, 326, 323 and 34 IPC and judgment dated 17.01.2017 (Annexure P-2) passed by Ld. JMIC, Derozepur whereby petitioners were convicted and appeal is now pending Court Ld. Additional Sessions Judge, Ferozepur titled as Paramjit Singh Others Vs. Maya Kaur all consequential proceedings arising therefrom, on the basis of compromise (Annexure P-4) and Affidavit dated 11.04.2017 (Annexure P-5),

And/or

Any other alternative relief, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, may also be granted in favour of the petitioners.”

The amended prayer be read in pursuance to the order of even date, by which both the petitions are decided.

**CRM-M-20528-2017 &
CRM-M-25252-2017**

These petitions are for quashing of the complaint criminal case No. 163/CIS No. COMI/1152/2013 Annexure P-1) titled as “Maya Kaur Vs. Paramjit Singh and Others” under Sections 452, 326, 323, 34 IPC as well as for quashing of FIR No. 121 dated 19.09.2010 under Sections 324, 323, 34 IPC and Section 326 IPC added later, Registered at Police Station Ghall Khurd, District Ferozepur (Annexure P-1) as well as judgment dated 17.01.2017 passed by trial Court vide which the petitioners were convicted under Sections 323, 324, 326, 34 IPC and during the pendency of the petition before the First Appellate Court, the parties have entered into a compromise.

Vide order dated 01.06.2017 and the parties were directed to

appear before the trial Court and the trial Court was directed to submit a

report after recording the statement of the parties in support of the compromise.

The trial Court/the Illaqa Magistrate has submitted a report on 21.08.2017, however, noticing that the same is not complete, again a direction was issued to the trial Court as well as the District and Sessions Judge to submit a fresh report and in compliance thereof, report dated 18.12.2017 has been submitted by District and Sessions Judge Ferozepur.

As per the report, complainant/respondent Baldev Singh, Paramjit Singh [in FIR No. 121 dated 19.09.2010] appeared on 28.07.2017 and made a statement that they have effected the compromise with the accused persons without any pressure or threat. Similar statement was made by the accused persons Dalip Singh, Jaswinder Singh, Jarnail Singh alias Jalli, Maya Kaur.

Similarly in the complaint case, the complainant Maya Kaur has appeared and made a statement that she had entered into valid and legal compromise with the accused persons Paramjit Singh, Baldev Singh, Joginder Kaur and Malkiat Singh.

On the basis of statement recorded in the FIR case as well as in the Cross-case, the trial Court has submitted a report that the compromise has been effected between the parties, who are residents of the same village and in order to maintain peace and harmony in the family, both the parties with the intervention of the respectable have entered into a compromise, which is without any threat or pressure from any side.

Learned counsel for the petitioner relied upon the judgment

titled as 'Sube Singh another Vs. State of Haryana and another', 2013(4) RCR (Criminal) 102, wherein 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 both the parties have entered into a valid and legal compromise, both the petitions are allowed and while upholding the judgment and conviction dated 17.01.2017, sentence of the even date, awarded to the petitioners, is reduced to the period already undergone by the petitioners.

With the aforesaid modifications, both these petitioners are disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

December 11, 2018
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No