

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

CRM-M No.30546 of 2017

Date of Decision : 08.01.2018

Vipan Kumar @ Nanna and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Gursimran S. Madaan, Advocate
for the petitioners.

Mr. Luvinder Sofat, Asstt. Advocate General, Punjab
for respondent No.1-State.

SUDIP AHLUWALIA, J. (ORAL)

In this petition, the petitioners, who are accused FIR No.445, dated 17th November, 2009 under Sections 382, 323, 34 of the IPC registered at Police Station Division 6, Jalandhar, District Jalandhar (Annexure P-1) have prayed for quashing of F.I.R. with all subsequent proceedings arising therefrom including judgment dated 20th August, 2015 (Annexure P-2), on the basis of compromise.

2. The petitioners, namely Vipan Kumar @ Nanna and Davinder Kumar, were convicted of the offence under Section 382 read with Section 34 of the Indian Penal Code by the Court of the Ld. Judicial Magistrate 1st Class, Jalandhar, on 20th August, 2015. The

appeal preferred by the present petitioners against such judgment of conviction is still pending before the Court of Ld. Additional District Judge, Jalandhar.

4. It is further stated that during trial, the complainant i.e. Kamaljeet Singh has died and now, the present petitioners have compromised the matter with legal heirs of the deceased/complainant.

4. The matter was referred to the Court below for recording of statements of the parties and to report with respect to genuineness of the compromise arrived at between the parties. The Judicial Magistrate 1st Class, Jalandhar, vide report dated 10th October, 2017, has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

5. There is no representation on behalf of respondents No.2 and 3 which shows that they do not have any objection to the compromise.

6. In view of the report of the Judicial Magistrate 1st Class, Jalandhar, and in view of the decision of the Hon'ble Supreme Court in **“Gian Singh Vs. State of Punjab and another”, 2012(4) RCR (Criminal) 543** and **“Narinder Singh and Others Vs. State of Punjab and Another”, (2014) 6 SCC 466**, this Court is of the opinion that no useful purpose can be served by keeping with the

criminal proceedings pending, since the legal heirs of the complainant i.e. respondents No.2 and 3 have themselves compromised the dispute with the petitioners/accused persons.

7. In the circumstances and in view of the decisions of the Supreme Court in “**Gulab Das Vs. State of M.P.**”, 2012 (1) R.C.R. (Criminal) 220 and “**Mukesh Kumar Vs. State of Rajasthan**”, 2013 (11) S.C.C. 511, while sustaining conviction of the present petitioners for the offence under Section 382 read with Section 34 of the Indian Penal Code, the matter is disposed off with a direction that no further sentence needs to be suffered by them nor any fine needs to be paid, apart from the sentence already undergone by them. FIR No.445, dated 17th November, 2009 under Sections 382, 323, 34 of the IPC registered at Police Station Division 6, Jalandhar, District Jalandhar (Annexure P-1) with all subsequent proceedings arising therefrom including judgment dated 20th August, 2015 (Annexure P-2), are hereby quashed *qua* the present petitioners.

January 08, 2018

Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No