

CRM-M-33097-2016 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33097-2016 (O&M)

Date of Decision: 8th March, 2018

Amandeep Singh @ Sodhi

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. A.S. Salar, Advocate
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab

Mr. Raman Singh Dhanda, Advocate
for respondents No.2 and 3.

AUGUSTINE GEORGE MASI, J. (ORAL)

CRM-29178-2016

Application is allowed, subject to all just exceptions.

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This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.343 dated 16.10.2011, under Sections 279, 337 and 427 of the Indian Penal Code, registered at Police Station Tripri Town, Patiala, (Annexure P-1) and all subsequent proceedings arising therefrom including the judgment of conviction and order of sentence dated 17.02.2016 (Anenxure P-4), on the basis of compromise dated 25.06.2016 (Annexure P-2) entered into between the petitioner and respondent No.2 (Vijay Kumar)

and compromise dated 18.08.2016 (Annexure P-3) entered into between the petitioner and respondent No.3 (Santosh Kumar).

The case came up for hearing before this Court on 06.12.2017, when following order was passed:-

“Learned counsel for the petitioner as well as learned counsel for respondent Nos.2 and 3 state that compromise has been effected between the parties.

Now the parties are directed to appear before the learned trial Court where the case is pending on 01.02.2018 and to get recorded their statements regarding compromise and after recording their statements, learned trial Court, is directed to send the report regarding the genuineness of compromise on or before 08.03.2018.

A copy of this order be sent to learned trial Court, through fax, for compliance.”

In compliance with the order passed by this Court reproduced above, parties appeared before the learned District & Sessions Judge, Patiala, on 12.02.2018 and get recorded their respective statements. On the basis of the statements recorded by the Court, a report has been submitted, according to which, it is concluded that the compromise has been entered into between the appellant (petitioner herein) and respondents No.2-complainant (Vijay Kumar) and respondent No. 3-injured (Santosh Kumar) with the intervention of the respectables and common friends, which is voluntarily, without any pressure, threat or coercion.

In the light of the fact that the compromise has been effected between the parties, which has been found to be genuine as recorded above, counsel for the parties state that the matter has been amicably settled with the intervention of the respectables and common friends and therefore, the petition may be allowed by quashing the FIR in question along with all other consequential proceedings and setting aside the judgment of conviction and order of sentence of the petitioner passed by the learned Judicial Magistrate First Class, Patiala.

Counsel for respondents No.2 and 3 specifically acknowledges the factum of compromise and states that these two respondents have no objection in case the present petition is allowed.

In the light of the fact that the matter has been amicably settled and it was admittedly an accident which had taken place where respondents No.2 and 3 were injured who have now compromised the matter with the petitioner, the present petition deserves to be allowed keeping in view the ratio of latest judgment of the Hon'ble Supreme Court in ***Criminal Appeal No.1723 of 2017***, titled as '***Parbatbhati Aahir @ Parbhabhai Bhimsinhbhai Karmur & others Vs. State of Gujarat & another***', decided on 04.10.2017 and in the judgment of ***Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482*** as also the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052***. The present petition is allowed and FIR No.343 dated 16.10.2011, under Sections 279, 337 and 427 of the Indian Penal Code, registered at Police Station Tripri

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Town, Patiala, (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed and the judgment of conviction and order of sentence dated 17.02.2016 (Anenxure P-4) passed by the Judicial Magistrate First Class, Paniapat, are hereby set aside.

8th March, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No