

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-364-2017 (O&M)

Date of decision: 06.08.2018

Sukhdev Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Amit Walia, Advocate for the petitioners.

Mr. Harpreet Multani, AAG, Punjab.

Mr. HPS Chopra, Advocate for respondents No. 2 and 3.

RAMENDRA JAIN, J. (ORAL)

1. Through this petition under Section 482 Cr.P.C., prayer has been made for quashing FIR No. 32 dated 14.04.2012 (Annexure P-1) registered under Sections 452, 323, 148 and 149 IPC a Police Station Sadar Sunam, District Sangrur as well as judgment of conviction and order of sentence dated 24.08.2016 (Annexure P-2) of the trial Court, whereby petitioners No. 2-Gurlal Singh, was convicted under Sections 323, 325 & 452 IPC whereas petitioners No. 1, 4 and 5, namely; Sukhdev Singh, Jasvir Kaur and Gurmeet Kaur, were convicted under Sections 323, 325/34 & 452 IPC and the maximum sentence awarded to them is to undergo rigorous imprisonment for a period of two years under Sections 325, 325/34 & 452 IPC and all subsequent proceedings arising therefrom, on the basis of compromise dated 06.01.2017 (Annexure P-4) effected between the parties.

2. It is pertinent to mention here that the instant petition qua petitioner No. 3-Makhan Singh, was dismissed as withdrawn, vide order dated 30.01.2017, passed by a co-ordinate Bench of this Court.

3. Vide orders dated 12.07.2018, parties were directed to appear before the trial Court/Illaq Magistrate, on or before 25.07.2018, to get their statements recorded for compromise with a direction to the trial Court/Illaq Magistrate, to furnish a report qua veracity of the compromise.

4. Consequently, parties appeared before the Sub Divisional Judicial Magistrate, Sunam and got recorded their statements qua compromise on 02.08.2018. Report from the Sub Divisional Judicial Magistrate, Sunam, vide letter No. 682 dated 03.08.2018, duly forwarded by learned District and Sessions Judge, Sangrur, vide Endst. No. 5166/EB dated 04.08.2018, has been received. According to the report of the learned Sub Divisional Judicial Magistrate, Sunam, the compromise effected between the parties is voluntarily, with free consent.

5. In view of the totality of the facts and circumstances and considering the fact that the compromise will bring harmony in relations between the parties, this petition is allowed and the aforesaid FIR No. 32 dated 14.04.2012 (Annexure P-1) and all subsequent proceedings arising therefrom, qua petitioners No. 1, 2, 4 and 5, namely; Sukhdev Singh, Gurlal Singh, Jasvir Kaur and Gurmeet Kaur is quashed. The judgment of conviction and order of sentence dated 24.08.2016 (Annexure P-2) of the trial Court is also set aside, subject to payment of costs of ₹10,000/-, out of which ₹6,000/- shall be deposited with the Punjab State Legal Services Authority and ₹4,000/- with the Bar Council of Punjab and Haryana, within

two weeks from today, failing which this petition shall be deemed to be dismissed.

6. List on 31.08.2018, for production of receipts regarding deposit of costs.

August 06, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No