

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

CRM-M No.38114 of 2017

Date of Decision : 29.01.2018

Surjit Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. P.K.S. Phoolka, Advocate
for the petitioners.

Ms. Rajni Gupta, Sr. Deputy Advocate General, Punjab
for respondent No.1-State.

Mr. Tarun Singla, Advocate
for respondent No.2.

SUDIP AHLUWALIA, J. (ORAL)

In the present petition, the petitioners, who are accused in F.I.R. No.125, dated 12.12.2008, under Sections 420/465/467/468/471/120-B of the Indian Penal Code, registered at Police Station Nathana, District Bathinda, have prayed for quashing of the FIR and setting aside the judgment of conviction dated 21.11.2016 passed by the Ld. Judicial Magistrate 1st Class, Bathinda along with all consequential proceedings arising therefrom, on the basis of compromise.

2. The petitioners were convicted of the offences under Sections 120-B, 420, 467, 468, 471 of the Indian Penal Code by the

Court of the Ld. Judicial Magistrate 1st Class, Bathinda, on 21.11.2016. Their appeal against judgment of conviction is pending adjudication before Ld. Additional Sessions Judge, Bathinda, being CrI. App No. No.515/16.

3. Now, during pendency of appeal, the present petitioners have compromised with the complainant/victim-Rajwinder Kaur.

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 Ld. Judicial Magistrate 1st Class, Bathinda, vide report dated 19.12.2017, has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

5. Respondent No. 2 is represented by her Counsel and does not oppose the compromise.

6. In view of the report of the Judicial Magistrate Ist Class, Patti, 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 complainant has herself 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 petitioners for the offences under Sections 120-B, 420, 467, 468, 471 of the Indian Penal Code, the matter is disposed off with a direction that no further sentence needs to be suffered by them apart from the sentence already undergone by them nor any fine needs to be paid.

January 29, 2018

Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No