

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

**CRM NO. M-38451 of 2017
DATE OF DECISION : 18.05.2018**

Harkamal Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Ankit Rana, Advocate,
for the petitioners.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Ms. Parveen Mann, Advocate for
Mr. R. S. Budhwar, Advocate,
for respondent No.2.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioners are seeking quashing of FIR No.79 dated 06.08.2007 under Sections 323/325/326/341/148/149 IPC registered at Police Station Bassi Pathana, District Fatehgarh Sahib, including the conviction order dated 29.04.2014, along with all consequential proceedings arising therefrom, on the basis of compromise (Annexure P-4) arrived at between the parties.

Learned counsel for the petitioners contends that FIR is an outcome of a sudden quarrel between the parties and the injured have fully recovered from their injuries. The injury for which offence under Section 326 IPC has been mentioned, is on the ring finger of the complainant.

A co-ordinate Bench of this Court by the order dated 11.10.2017 had directed the parties to appear before the Illaqa Magistrate/trial Court for recording their statements with regard to veracity of the compromise. The Chief Judicial Magistrate, Fatehgarh Sahib, has sent her report dated 19.12.2017, wherein it is stated that in pursuance to the order of this Court, statements of the parties were recorded. As per the statements, compromise has been effected without any fear or undue influence.

Learned counsel for the petitioners has placed reliance upon a judgment of Single Bench of this Court in **CRM-M No. 16531 of 2016** titled as **Sukhdev Singh and others Vs. State of Punjab and another, decided on 02.09.2016** and judgment of a Division Bench of this Court in the case of **Sube Singh and another Vs. State of Haryana and another, 2013(4) RCR(Criminal) 102**, wherein it has been held that this Court under Section 482 of the Cr.P.C. is empowered to quash the criminal proceedings at any stage including the pendency of appeal to secure the ends of justice.

The FIR is an outcome of a sudden quarrel between the parties and the injured have fully recovered from their injuries. The matter has now been resolved. It would be in the interest of justice if the FIR and all consequential proceedings arising therefrom including the order of conviction, are set-aside to enable the parties to live in peace and harmony.

In view of the law laid down in **"Narinder Singh Vs. State of Punjab" 2014 (6) SCC 466**, no useful purpose will be

served by continuing the criminal proceedings. Therefore, the petition is allowed and FIR No. 79 dated 06.08.2007 under Sections 323/325/326/341/148/149 IPC registered at Police Station Bassi Pathana, District Fatehgarh Sahib, along with all consequential proceedings arising therefrom, are hereby quashed qua the petitioners only. The judgment of conviction and order of sentence dated 29.04.2014 (Annexure P-2) passed by Chief Judicial Magistrate, Fatehgarh Sahib, is also set-aside qua the petitioners only. The appeal preferred by the petitioners against the aforesaid judgment and order is rendered infructuous and shall be declared so, by the first Appellate Court.

(ANUPINDER SINGH GREWAL)
JUDGE

MAY 18, 2018
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- 1. Whether speaking/reasoned : Yes / No
- 2. Whether reportable : Yes / No