

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-39601-2017

Date of decision: 01.08.2018

Tejinder Singh @ Manu and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Harpreet Multani, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

1. Through this petition under Section 482 Cr.P.C., prayer has been made for quashing FIR No. 84 dated 18.06.2009 (Annexure P-1) registered under Sections 323, 324 and 326 read with Section 34 IPC at Police Station Islamabad, District Amritsar, as well as judgment of conviction and order of sentence dated 18.07.2016 (Annexure P-2) whereby the petitioners have been convicted and sentenced under Section 325, 324, 323, 148 and 149 IPC and the maximum sentence awarded to them is to undergo rigorous imprisonment for one year under Section 325 read with Section 149 IPC and all subsequent proceedings arising therefrom, on the basis of compromise dated 26.09.2017 (Annexure P-3) effected between the parties.

2. Vide orders dated 15.11.2017, parties were directed to appear before the Illaqa Magistrate/Appellate Court on 27.11.2017, to get their statements recorded for compromise with a direction to the Illaqa

compromise.

3. Consequently, parties appeared before the Additional District and Sessions Judge, Amritsar and got recorded their statements qua compromise on 27.11.2017. Report from the Additional District and Sessions Judge, Amritsar, vide letter No. 252 dated 30.11.2017, duly forwarded by learned District and Sessions Judge, Amritsar, vide Endst. No. 10907R Dated Amritsar, the 04.12.2017, has been received. According to the report of the learned Additional District and Sessions Judge, Amritsar, the compromise has been entered into between the petitioners and complainant-respondent No. 2 voluntarily, out of their free will and without any pressure or coercion and the same appears to be genuine one.

4. 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. 84 dated 18.06.2009 (Annexure P-1) as well as judgment of conviction and order of sentence dated 18.07.2016 (Annexure P-2) and all subsequent proceedings arising therefrom, qua the petitioners are quashed, 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.

5. List on 27.08.2018, for production of receipts regarding deposit of costs.

August 01, 2018

rishu

**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No