

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-47489-2017

Date of decision: 09.08.2018

Balwan Sharma

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Rahul Jaswal, Advocate for the petitioner.

Mr. Arjun Singh Yadav, AAG, Haryana.

Mr. Vishal Satija, Advocate for respondent No. 2.

RAMENDRA JAIN, J. (ORAL)

1. Through this petition under Section 482 Cr.P.C., prayer has been made for quashing Criminal Complaint RBT No. 32 of 2014 (Annexure P-1) titled as “Deepak Sharma Vs. Balwan Sharma”, under Sections 420, 467, 468, 471 and 506 IPC; impugned judgment of conviction dated 25.03.2015 and order of sentence dated 26.03.2015 (Annexure P-2) of the trial Court, holding the petitioner guilty under Sections 420, 467, 468, 471 and 506 IPC and awarding him the maximum sentence to undergo rigorous imprisonment for a period of 3 years under Sections 420, 467, 468 and 471 IPC and all subsequent proceedings arising therefrom, on the basis of compromise Annexure P-3, effected between the parties.

2. Vide order dated 26.02.2018, the parties were directed to appear before the lower Appellate Court on 28.02.2018, the date already fixed before it, to get their statements recorded for compromise with a direction to the lower Appellate Court, to furnish a report qua veracity of the compromise.

3. Consequently, parties appeared before the Additional District and Sessions Judge, Panipat and got recorded their statements qua compromise on 28.02.2018. Report from the Additional District and Sessions Judge, Panipat, vide letter No. 53 dated 28.02.2018, duly forwarded by learned District and Sessions Judge, Panipat, vide letter No. 3426 dated 28.02.2018, has been received. According to the report of the learned Additional District and Sessions Judge, Panipat, the parties have genuinely entered into the compromise without any pressure, undue influence or coercion from any corner.

4. In view of the totality of the facts and circumstances and considering the fact that the compromise will bring peace and harmony peace in relations between the parties, this petition is allowed and the aforesaid, Criminal Complaint RBT No. 32 of 2014 (Annexure P-1) titled as “Deepak Sharma Vs. Balwan Sharma”; impugned judgment of conviction dated 25.03.2015 and order of sentence dated 26.03.2015 (Annexure P-2) of the trial Court and all subsequent proceedings arising therefrom, qua the petitioner are quashed, subject to payment of costs of ₹10,000/-, out of which ₹6,000/- shall be deposited with the Haryana 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 05.09.2018, for production of receipts regarding deposit of costs.

August 09, 2018
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(RAMENDRA JAIN)
JUDGE

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