

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-49174-2018

Date of decision: 03.12.2018

Jagjit Singh and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Vipul Babuta, Advocate for the petitioners.

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. DS Khurana, Advocate for respondents No. 2 to 9.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., prayer has been made for quashing FIR No. 62 dated 30.10.2006 (Annexure P-1) registered under Sections 325, 323, 506, 148 and 149 IPC at Police Station Mulepur, District Fatehgarh Sahib; judgment of conviction and order of sentence dated 2.11.2017 (Annexure P-2) rendered by the Judicial Magistrate Ist Class, Fatehgarh Sahib, whereby the petitioners along with their co-accused-Sucha Singh, were convicted and sentenced under Sections 323, 325 and 506 read with Section 149 IPC and all subsequent proceedings arising therefrom, on the basis of compromise dated 16.02.2018 (Annexure P-3), effected between the parties.

Vide order dated 02.11.2018, the parties were directed to appear before the trial Court/Illaq Magistrate within two weeks, 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.

Consequently, parties appeared before the Judicial Magistrate

Ist Class, Fatehgarh Sahib and got recorded their statements qua compromise on 20.11.2018. Report from the Judicial Magistrate Ist Class, Fatehgarh Sahib, vide letter No. 265 dated 30.11.2018, duly forwarded by the District and Sessions Judge, Fatehgarh Sahib, vide letter No. 7378/EB dated 30.11.2018, has been received. According to the report of the Judicial Magistrate Ist Class, Fatehgarh Sahib, the compromise effected between the parties is out of their own free will and volition without any inducement, threat, coercion or undue influence. The same appears to be genuine and voluntary. It was further reported that two accused, namely; Surya Narain and Shambu Parsad, were declared as proclaimed offenders.

In view of the totality of the facts and circumstances and considering the fact that the compromise will bring harmony and peace in relations between the parties, this petition is allowed and the aforesaid, FIR No. 62 dated 30.10.2006 (Annexure P-1); judgment of conviction and order of sentence dated 2.11.2017 (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 ₹3,000/- shall be deposited with the Bar Association, Punjab and Haryana High Court, Chandigarh and ₹7,000/- with the Prime Minister's National Relief Fund, within a period of three weeks' from today, failing which this petition shall be deemed to be dismissed.

List on 18.01.2019, for production of receipts regarding deposit of costs.

December 03, 2018

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No