

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

262

CRM-M-7110-2018

Date of Decision: October 16, 2018

Mahinder Singh and others

.....Petitioner(s)

versus

State of Punjab and another

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. H.S. Baidwan, Advocate for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Sudhir Mittal, J. (Oral)

Mr. D.S. Nigha, Advocate puts in appearance on behalf of respondent No.2 by filing his *Vakalatnama* in Court today and the same is taken on record.

This petition has been filed under section 482 of Code of Criminal Procedure, 1973 for quashing of FIR No.265 dated 05.12.2013, under sections 323, 325 and 34 IPC, registered at Police Station Dera Bassi, District SAS Nagar and also for setting aside judgment dated 09.05.2017 (Annexure P-2) passed by Sub-Divisional Judicial Magistrate, Dera Bassi, whereby the petitioners have been convicted and sentenced under sections 325, 323 read with section 34 IPC and section 201 IPC on the basis of compromise dated 13.12.2017 (Anneuxre P-3).

Although factum of compromise has been admitted by learned counsel for respondent No.2 but admittedly, the petitioners have already been convicted and sentenced under sections 323, 325 read with section 34 IPC and section 201 IPC and thus, their prayer for quashing of FIR is not maintainable especially when appeal against the judgment of conviction and order of sentence dated 09.05.2017 is stated to be pending before the Court of Additional Sessions Judge, SAS Nagar (Mohali).

Faced with this situation, learned counsel for the petitioners submits that learned appellate Court may be directed to take into consideration the factum of compromise dated 13.12.2017 (Anneuxre P-3) while deciding the appeal.

Accordingly, instant petition is disposed of with a direction to the Additional Sessions Judge, SAS Nagar (Mohali) in whose Court, the appeal of the petitioners is pending, to take into consideration the compromise dated 13.12.2017 (Anneuxre P-3) while deciding the appeal of the petitioners.

October 16, 2018

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JUDGE**

Whether speaking/reasoned :	Yes
Whether Reportable :	No