

CRM-M No.9170 of 2018

Date of Decision : 29.05.2018

Balwinder Singh and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA**Present:** Mr. H.R. Bhardwaj, Advocate
for the petitioners.Mr. Davinder Bir Singh, DAG, Punjab
for respondent No.1-State.Mr. K.S. Rana, Advocate
for respondents No.2 to 5.**SUDIP AHLUWALIA, J. (ORAL)**

In this petition, the petitioners, who are the accused persons in F.I.R No.06, dated 24.01.2014, under Sections 323, 324, 148 and 149 of the Indian Penal Code (for short "IPC") and further added Section 326 of IPC, registered at Police Station Bassi Pathana, District Fatehgarh Sahib (Annexure P-1), have prayed for quashing of F.I.R. with all subsequent proceedings emanating therefrom including the judgment of conviction dated 04.01.2017 of Ld. Judicial Magistrate Ist Class, Fatehgarh Sahib, on the basis of compromise.

2. Now during the pendency of appeal against judgment of conviction, the complainant has arrived at a settlement with the accused/petitioners vide Compromise Deed (Annexure P-2), which is duly signed by him. The matter was referred to the Court below for recording of

statements of the parties and to report with respect to genuineness of the compromise arrived at between the parties. The Ld. Judicial Magistrate 1st Class, Fatehgarh Sahib, vide report dated 18.04.2018 has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

3. Respondents No. 2 to 5 are represented by their counsel who does not dispute the factum of compromise.

4. In view of the report of the Ld. Judicial Magistrate 1st Class, Fatehgarh Sahib, and in view of the decision of the Hon'ble Supreme Court in “Gian Singh Vs. State of Punjab and another”, 2012(4) RCR (Criminal) 543 and “Narinder Singh and Others Vs. State of Punjab and Another”, (2014) 6 SCC 466, this Court is of the opinion that no useful purpose can be served by keeping with the criminal proceedings pending, since the complainant/respondent No.2 and respondents No.3 to 5 have themselves compromised the dispute with the petitioners/accused persons.

5. In the circumstances and in light of the decisions of the Supreme Court in “Gulab Das Vs. State of M.P.”, 2012 (1) R.C.R. (Criminal) 220 and “Mukesh Kumar Vs. State of Rajasthan”, 2013 (11) S.C.C. 511, while sustaining conviction of the petitioners for the offences under Sections 323, 324, 326 and 149 of IPC, further proceedings in F.I.R No.06, dated 24.01.2014, under Sections 323, 324, 148 and 149 of IPC and further added Section 326 of IPC, registered at Police Station Bassi Pathana, District Fatehgarh Sahib (Annexure P-1), are hereby quashed on the basis of compromise *qua* the present petitioners with a direction that no further sentence needs to be suffered by them nor any fine needs to be paid, apart

from the sentence already undergone by them.

(SUDIP AHLUWALIA)
JUDGE

29.05.2018
Neha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No