

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

1. CRM-M-14966-2016

Nirmal Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

2. CRM-M-14974-2016

Dalbir Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

Date of decision: 05.02.2019

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Karan Chaudhary, Advocate
for the petitioners in CRM-M-14966-2016;
for respondent No. 2 in CRM-M-14974-2016.

Mr. Inderjit Sharma, Advocate
for the petitioners in CRM-M-14974-2016;
for respondent No. 2 in CRM-M-14966-2016.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted two petitions as they arise out of the same incident and pertain to version and cross version.

Petitioners in CRM-M-14966-2016, on the basis of the compromise entered into between the parties, have prayed for quashing of

FIR No. 77 dated 05.05.2008, under Sections 326, 324, 323 read with 34 of the IPC, registered at Police Station Dhariwal, Tehsil & District Gurdaspur; as well as the judgment of conviction dated 03.06.2013 and order of sentence of the even date, vide which, the petitioners were held guilty for commission of offences punishable under Sections 323, 324, 326 read with Section 34 of the IPC and were sentenced to undergo a maximum rigorous imprisonment for two years.

Petitioners in CRM-M-14974-2016, on the basis of the compromise entered into between the parties, have prayed for quashing of the complaint No. 24 dated 13.02.2009 titled as ***“Nirmal Singh vs. Dalbir Singh and others”***, filed under Sections 326, 324, 323, 148, 149 of the IPC as well as the judgment of conviction dated 10.03.2015 and order of sentence of the even date, vide which, the petitioners were held guilty for commission of offences punishable under Sections 148, 326, 324, 323 read with Section 149 of the IPC and were sentenced to undergo a maximum rigorous imprisonment for two years.

Aggrieved against the aforesaid judgments of conviction and orders of sentence, both sets of petitioners have preferred their respective appeal which are pending before the lower appellate Court. However, during the pendency of the appeal, the parties have compromised the matter.

Now both the sets of petitioners have relied upon a compromise dated 23.04.2016 (Annexure P-4 in both petitions), in which it is stated that both the parties are closely related to each other and are co-sharer and co-owners in the joint holdings and they have effected this compromise not only to settle the present dispute but have also settled the dispute regarding partition of their share as well as regarding cultivating their share out of the

joint holding by way of family settlement. The operative part of the compromise reads as under:

“(v) That Party No. 1 Nirmal Singh son of Nazar Singh is co-sharer/co-owner in Khasra No. 34/1(7-4) Khewat No. 144 Khatauni No. 325 to the extent of 3 Kanals 12 Marlas. The Party No. 1 Nirmal Singh will get the possession of 3 Kanals and 12 Marlas out of 07 Kanals 4 Marlas after the harvesting of the wheat season from the legal heir of Bawa Singh and others will not raise any objection. The Party No. 1 would got the possession of 3 Kanals Marlas out of 7 Kanals 04 Marlas through revenue officials.

(vi) That so far as share of Nirmal Singh son of Nazar Singh in other Joint Property is concerned Nirmal Singh would be entitled to get his share from Khasra No. 18/24, 18/25, comprised in Khewat No. 292 Khatauni No. 751 as per revenue record by mutual consent. None of the parties to the compromise would grab the share of each other out of the Joint holdings. It is further resolved by this compromise that at the time of partition both parties will cooperate with each other.

(vii) That both parties are co-villagers and they are living in peace with each other. The Party No. 2 will not object if FIR No. 77 dated 05.05.2008, under Sections 326, 324, 323/34 IPC, PS- Dhariwal along with other subsequent proceedings arising out of the said FIR is quashed or cancelled by a competent court of law. The Party No. 2 also undertakes to give statement before the competent court of law if required for the cancellation of the FIR. Similarly, the party No. 1 will not object if cross complaint case bearing No. 24 dated 13.02.2009, under Sections 326,

324, 323, 148, 149 IPC along with other subsequent proceedings arising out of the said complaint be quashed or cancelled by a competent court of law. The party No. 1 also undertakes to suffer a statement before competent court of law for the cancellation of the said complaint.”

Noticing the aforesaid facts, vide orders dated 03.05.2016 and 27.05.2016, the parties were directed to appear before the lower appellate Court and the lower appellate Court was directed to record the statements of the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner and to send the report along with the statements of the parties with regard to validity or otherwise of the compromise entered into between the parties.

In compliance with the aforesaid directions, the lower appellate Court, after recording the statement of complainant Nirmal Singh in the complaint case as well as of complainant Nanak Singh in the FIR case along with the persons, has submitted a report that with the intervention of the respectables of the village, the matter stands compromised between the parties and they are left with no grudge against each other and they do not want to proceed further against each other and have no objection if the proceedings arising out of the complaint as well as FIR are quashed.

Learned State counsel has not disputed the fact that the parties have arrived at a settlement with an intent to give burial to their differences.

I have heard learned counsel for the parties and perused the case file.

In *Sube Singh and another vs. State of Haryana and another*, 2013 (4) R.C.R. (Criminal) 102, a Division Bench of this Court has held

that even after the conviction, if the parties have settled the dispute amicably and have decided to live in peace and harmony, this Court, in exercise of powers under Section 482 Cr.P.C., can compound the offence.

Since the parties, who are stated to be first cousins and were co-sharer in the joint land, have arrived at a compromise and by way of a family settlement, they have not only resolved their present dispute but have also resolved their civil dispute regarding partition of the joint agricultural land and have decided to live in peace, no useful purpose would be served in allowing the criminal proceedings to continue.

In view of the above discussion, these petitions are allowed and while upholding the judgment of conviction dated 03.06.2013 in FIR No. 77 dated 05.05.2008 under Sections 326, 324, 323 read with 34 of the IPC as well as judgment of conviction dated 10.03.2015 in Complaint No. 24 dated 13.02.2009 titled as ***“Nirmal Singh vs. Dalbir Singh and others”***, filed under Sections 326, 324, 323, 148, 149 of the IPC, the orders of sentence in both cases are modified and the sentences are reduced to the period already undergone by the petitioners, subject to payment of costs of ₹5,000/- to be deposited by both the set of petitioners with the District Legal Services Authority, Gurdaspur.

A photocopy of this order be placed on the file of other connected case.

February 05, 2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No