

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

CRM-M-16741-2017 (O&M)

Date of decision: 10.01.2019

Inderjit Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Anshuman Narula, Advocate
for the petitioners.

Mr. M. S. Nagra, AAG, Punjab.

Mr. Ashutosh Hoshiarpuri, Advocate
for respondents No. 2 and 3.

ARVIND SINGH SANGWAN, J. (Oral)

CRM-45911-2018

Prayer in this application is for placing on record the amended petition.

For the reasons stated in the application, the same is allowed and amended petition is taken on record. Office to tag the same at the appropriate place in file.

CRM-M-16741-2017

Prayer in this petition is for quashing of FIR No. 135 dated 10.08.2012, under Sections 365, 342 and 34 of the IPC, registered at Police Station Sadar Patiala, District Patiala (Annexure P-1) as well as the judgment of conviction dated 03.10.2016 and order of sentence of the even date (Annexure P-2), passed by the trial Court, vide which, the petitioners were held guilty for commission of offence punishable under Sections 365,

342 read with Section 34 of the IPC and were sentenced to undergo maximum of 02 years of rigorous imprisonment with a fine of ₹500/- and in case of default of payment of the fine, they were directed to undergo simple imprisonment for 15 days.

Brief facts of the case are that the aforesaid FIR was registered on the statement of respondent No. 2/complainant with the allegations that he is doing the work of cash collection on a liquor vend and the petitioners/accused persons have caused beatings to him and threatened him as well. The accused persons faced trial and the trial Court, vide judgment of conviction dated 03.10.2016, held the petitioners guilty for commission of offence punishable under Sections 365, 342 read with Section 34 of the IPC and by the order of sentence of the even date, sentenced them as noticed above.

The petitioners have filed appeal against the aforesaid judgment of conviction that is pending before the lower appellate Court and during the pendency of the appeal, the parties have entered into compromise and have filed the present petition seeking quashing of the FIR as well as the judgment of conviction and order of sentence, on the basis of the compromise.

Vide order dated 11.08.2017, the parties were directed to appear before learned trial Court/ Illaqua Magistrate on 28.08.2017 or any other date convenient to the Court for recording their statements with regard to compromise and the trial Court/Illaqua Magistrate was directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. Trial Court/Illaqua Magistrate was also directed to send report

along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any case is pending against either of the parties and if any proceeding to declare any accused proclaimed offender is pending or not before the next date of hearing.

In pursuance to the aforesaid directions, a report dated 15.09.2017 has been submitted by the Additional Chief Judicial Magistrate, Patiala, wherein it is submitted that statement of respondent No. 2 Kuldeep Singh as well as another complainant/victim respondent No. 3 Joga Singh has been recorded and both of them have stated that the compromise has been effected between the parties and they do not want to pursue the case as there was some misunderstanding between them in their minds and they have already filed an affidavit in this Court in this regard that the compromise has been effected out of their own free will without any pressure and they have no objection if the present FIR is quashed qua the petitioners. Similar statements were made by the petitioners/accused. The trial Court has also recorded the statement of Investigating Officer Inspector Vinod Kumar who has stated that there are only two accused persons (petitioners herein) and there is no other complainant/victim except the present ones. The trial Court has recorded its satisfaction that the compromise between the parties is arrived at voluntarily without any influence or coercion and the same is an outcome of the free will of the parties.

Learned counsel for the petitioners has relied upon the judgment rendered by a Division Bench of this Court in ***Sube Singh and another Vs. State of Haryana and another, 2013 (4) RCR (Criminal) 102,***

wherein it has been held that even after 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 and the sentence can be reduced.

Learned State counsel, on instruction from ASI Gurpreet Singh, assisted by learned counsel for the complainant, has not disputed the fact that the matter has been compromised between the parties.

I have heard learned counsel for the parties.

Since the parties have arrived at a compromise and have decided to live in peace and harmony, while upholding the judgment of conviction dated 03.10.2016 passed by the trial Court, offences under Sections 365, 342 read with Section 34 of the IPC are compounded and the sentence, awarded to the petitioners, vide order of sentence dated 03.10.2016, is reduced to the period already undergone by them, in view of the judgment rendered in *Sube Singh's case (supra)*.

In view of the above, the appeal, preferred by the petitioners, i.e. pending before the lower appellate Court, shall be disposed of accordingly.

With the above observations, this petition is disposed of.

January 10, 2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No