

Crl. Misc. No. M-37804 of 2018

Date of Decision: February 22, 2019

Sahil Kumar and another

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Amaninder Preet, Advocate
for the petitioners

Mr. Luvinder Sofat, AAG Punjab

Mr. Hitesh Mittal, Advocate
for respondents No. 2 and 3

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Sudhir Mittal, J. (Oral)

The petitioners have filed the instant petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No. 75 dated 26.09.2014, registered under Sections 354, 341, 323, 506 and 34 IPC at Police Station Bhadaur, District Barnala (Annexure P-1) as also the judgment of conviction and order of sentence dated 03.05.2018 (Annexure P-2), whereby they have been convicted and sentenced by the Judicial Magistrate Ist Class, Barnala and their appeal is statedly pending before the Sessions Court, Barnala.

Pursuant to order dated 31.08.2018, Judicial Magistrate Ist Class, Barnala has submitted his report wherein on the basis of statements of the petitioners and respondents No. 2 and 3, it has been reported that the parties have effected compromise voluntarily and without any coercion and undue influence and that the compromise so effected between them, is genuine.

A perusal of the record and report submitted by Judicial Magistrate Ist

Class, Barnala reveals that the parties belong to the same village and since they

have amicably settled their rancor against each other and have decided to live with peace and tranquility, it would be in the interest of justice to allow them to do so and to allow the instant petition.

Accordingly, in view of the above and ratio of judgment of Hon'ble Supreme Court in *Narinder Singh and others vs. State of Punjab and another, 2014(2) RCR(Criminal) 482* as also the Division Bench judgment of this Court in *Sube Singh and another vs. State of Haryana, 2013(4) RCR(Criminal) 102*, the instant petition is allowed; FIR No. 75 dated 26.09.2014, registered under Sections 354, 341, 323, 506 and 34 IPC at Police Station Bhadaur, District Barnala alongwith consequential proceedings thereof, is quashed. Consequently, the judgment of conviction and order of sentence dated 03.05.2018 (Annexure P-2) passed by Judicial Magistrate Ist Class, Barnala, stands set aside and the appeal statedly pending before the Sessions Court, Barnala, has become infructuous and would be declared so by the appellate Court concerned.

February 22, 2019

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No