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

CRM-M-18776-2019

Date of decision : September 16, 2019

Santa Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Balbir Kumar Saini, Advocate
for the petitioners.

Mr. J.S. Ghumman, DAG, Punjab.

Mr. Tarun Sharma, Advocate
for respondent No.2.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for quashing of FIR No.87 dated 14.6.2009 under Sections 323, 324, 34 IPC registered at Police Station Dharamkot, District Moga and the judgment of conviction dated dated 30.1.2018 passed by the Judicial Magistrate 1st Class, Moga vide which the petitioners were convicted for offence punishable under Sections 323, 324, 34 IPC (Section 326 IPC added later on) and order of sentence of the even date vide which they were sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.6,000/- each and in default of payment of fine, to further undergo rigorous imprisonment for a period of two months, on the basis of compromise effected between the parties during

the pendency of the first appeal pending before the Additional Sessions Judge, Moga.

Brief facts of the case are that the aforesaid impugned FIR was registered at the instance of complainant-Satpal Singh with the allegations that the petitioners had caused injuries to him. After the petitioners faced full length trial, they were convicted and sentenced vide impugned judgment dated 30.1.2018.

Counsel for the petitioners submits that the petitioners have also registered a cross version by way of filing of a complaint before the trial Court in which respondent No.2 was acquitted vide judgment dated 30.1.2018.

The petitioners have filed an appeal, which is also pending before the lower appellate Court alongwith the appeal against their conviction. Counsel for the petitioners further submits that on the intervention of the respectables of the village, both the parties have entered into a compromise with regard to the FIR as well as the cross-version.

In pursuance of order dated 10.5.2019, the lower appellate Court has submitted a report dated 14.6.2019 stating therein that there is a genuine, valid and legal compromise between the petitioners and the complainant/sole victim-Satpal Singh, who has stated that he has no objection if the proceedings pending against the petitioners are quashed.

Learned State counsel, on instruction from the Investigating Officer, has not disputed the fact that the matter has been compromised between the parties.

I have heard learned counsel for the parties.

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 decided to live in peace and harmony, this Court, in exercise of powers under Section 482 Cr.P.C., can compound the offence.

Resultantly, the present petition is partly allowed. While upholding the judgment of conviction dated 30.1.2018 passed by the Judicial Magistrate 1st Class, Moga, the sentence awarded to the petitioners is reduced to the period already undergone by them.

The petition stands disposed of, accordingly.

September 16, 2019
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No