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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-46099 of 2018
Date of Decision: February 14, 2019

Jarnail Singh and others
.....Petitioners
versus

State of Punjab and others
.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. P.K.S. Phooka, Advocate
for the petitioners

Mr. Luvinder Sofat, AAG Punjab

Mr. S.S. Kainth, Advocate for
Mr. Davinder Kumar, Advocate
for respondents No. 2 and 3

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Sudhir Mittal, J. (Oral)

FIR No. 37 dated 30.06.2013 under Sections 324, 323, 148, 149 IPC was registered against the petitioners at Police Station Sadar Rampura, District Bathinda. The petitioners were convicted vide judgment of conviction dated 15.02.2016 under Sections 324, 323, 148, 149 IPC and were sentenced vide order of sentence of even date, as follows: -

Sr. No.	Name of Convict	U/s	Rigorous Imprisonment	Fine	In default of payment of fine, RI for
1.	Amritpal Singh	148 IPC	To undergo RI for one year	Rs. 500/-	To undergo RI for one week
		324 IPC	To undergo RI for 1 ½ years	Rs. 2000/-	To undergo RI for one month
		323/149 IPC	To undergo RI for six months	Rs. 1000/-	To undergo RI for 15 days

2.	Jarnail Singh	148 IPC	To undergo RI for month	Rs. 500/-	To undergo RI for one week
		324/149 IPC	To undergo RI for 1 ½ years	Rs. 1000/-	To undergo RI for one month
		323/149 IPC	To undergo RI for six months	Rs. 1000/-	To undergo RI for 15 days
3.	Major Singh	148 IPC	To undergo RI for month	Rs. 500/-	To undergo RI for one week
		324/149 IPC	To undergo RI for 1 ½ years	Rs. 1000/-	To undergo RI for one month
		323/149 IPC	To undergo RI for six months	Rs. 1000/-	To undergo RI for 15 days
4.	Chamkaur Singh	148 IPC	To undergo RI for month	Rs. 500/-	To undergo RI for one week
		324/149 IPC	To undergo RI for 1 ½ years	Rs. 1000/-	To undergo RI for one month
		323/149 IPC	To undergo RI for six months	Rs. 1000/-	To undergo RI for 15 days
5.	Balkar Singh	148 IPC	To undergo RI for month	Rs. 500/-	To undergo RI for one week
		324/149 IPC	To undergo RI for 1 ½ years	Rs. 1000/-	To undergo RI for one month
		323/149 IPC	To undergo RI for six months	Rs. 1000/-	To undergo RI for 15 days
6.	Baljit Singh	148 IPC	To undergo RI for month	Rs. 500/-	To undergo RI for one week
		324/149 IPC	To undergo RI for 1 ½ years	Rs. 1000/-	To undergo RI for one month
		323/149 IPC	To undergo RI for six months	Rs. 1000/-	To undergo RI for 15 days

The appeal has been dismissed vide judgment dated 19.01.2018. The

revision has been preferred and the same has been admitted vide order dated 05.04.2018 and the sentence of the petitioners has been suspended.

Meanwhile, instant petition was filed for quashing of the FIR on the basis of compromise. Notice of motion was issued and the parties were directed to get their statements recorded before the Illaqa Magistrate/trial Court. Report of the trial Court has been received that the compromise between the parties is genuine and has been entered into without any threat or coercion.

A perusal of the compromise dated 01.09.2018 shows that the parties are residents of the same village and that the incident took place on account of dispute regarding the boundaries of their fields. Since the parties have decided to bury the hatchet and to promote peace and harmony in the village, in view of ratio of the judgment of the Hon'ble Supreme Court in *Gian Singh vs. State of Punjab and another, 2012(4) RCR(Criminal) 543* and Division Bench judgment of this Court in *Sube Singh and another vs. State of Haryana and another, 2013(4) RCR(Criminal) 102*, I deem it appropriate to quash the criminal proceedings.

In view of the above, the instant petition is allowed; FIR No. 37 dated 30.06.2013, registered against the petitioners at Police Station Sadar Rampura Bathinda, District Bathinda, under Sections 324, 323, 148, 149 IPC, and all the consequential proceedings having arisen therefrom, are hereby quashed qua the petitioners and resultant judgment of conviction and order of sentence dated 15.02.2016 passed by the Sub Divisional Judicial Magistrate, Phul, District Bathinda, also stands set aside.

February 14, 2019
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No