

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7887-2020
Date of decision:-25.2.2020

Balwinder Singh
...Petitioner

Versus

State of Punjab and others
...Respondents

CORAM : HON’BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Ishan Sharma, Advocate
for the petitioner.

H.S. MADAAN, J.(ORAL)

Accused Balwinder Singh faced trial by Judicial Magistrate Ist Class, Hoshiarpur in a case registered vide FIR No.37 dated 26.4.2016 for the offences under Sections 279, 337, 338, 427 IPC, Police Station Bullowal, Hoshiarpur and vide judgment dated 16.1.2019 he was convicted and sentenced as under:

Under Section	Rigorous Imprisonment	Fine	In default of payment of fine to undergo further imprisonment
279 IPC	RI for six months	Rs.300/-	SI for 7 days
337 IPC	RI for six months	Rs.300/-	SI for 7 days
338 IPC	RI for one year	Rs.400/-	SI for 10 days

All the sentences were ordered to run concurrently.

Feeling aggrieved by the said judgment of his conviction and order of sentence, the accused has preferred an appeal, which is pending before Sessions Judge, Hoshiarpur.

Now the petitioner – accused has approached this Court by way of filing present petition under Section 482 Cr.P.C. for quashing of the FIR in question as well as judgment of conviction passed by Judicial Magistrate Ist Class, Hoshiarpur on the basis of compromise said to have taken place between the parties on 22.1.2020, copy of which has been placed on record as Annexure P-4.

I have heard learned counsel for the petitioner besides going through the record.

The FIR and the judgment cannot be quashed in such a manner. However, the petition is disposed of relegating the petitioner to approach the Appellate Court informing it with regard to the compromise having entered into between the parties. The said Court on being satisfied that the matter has in fact been compromised between the parties if comes to the conclusion that conviction of the petitioner is to be maintained, then it may take lenient view in the matter with regard to sentence.

(H.S.MADAAN)
JUDGE

25.2.2020

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No