

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

113a

CRM-20983-2021 in/and

CRM-M-11537-2019

Date of decision : 03.08.2021.

Sohan Lal and another

... Petitioners

Versus

State of Punjab and another

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Aarish Kamboj, Advocate for the petitioners.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Mr. Ashok Kumar Sama, Advocate for respondent No.2.

Anupinder Singh Grewal, J. (Oral)

CRM-20983-2021

This is an application seeking preponement of the date fixed in the main case which is listed for hearing on 24.09.2021.

Learned counsel for the applicant/petitioner contends that the main case has been adjourned to 24.09.2021 due to the general instructions issued by this Court pertaining to the Covid-19 pandemic.

Issue notice in the application.

At the asking of the Court, Mr. Dhruv Dayal, Senior DAG, Punjab, accepts notice on behalf of the non-applicant/respondent No.1.

Mr. Ashok Kumar Sama, Advocate has put in appearance on behalf of respondent No.2.

Heard through video conferencing. For the reasons stated in the application, the same is allowed and the date of hearing in the main case is preponed and the matter is taken up for hearing for today itself.

CRM-M-11537-2019

The petitioners are seeking quashing of complaint case bearing CNR No.PBFZD10002222015, CIS No.CRM-32/2015, RBT No.14-05 of 16.02.2011/15.09.2017 D.O.I. on 16.02.2011, under Sections 452, 324, 323, 148, 149, 34 IPC, Police Station Guruharsahai, including judgment of conviction as well as order of sentence dated 26.07.2018 passed by the JMIC, Guruharsahai (Annexure P-2) sentencing the petitioners, on the basis of compromise (Annexure P-3) which has been arrived at between the parties.

Learned counsel for the petitioners contends that it is a case of version and cross-version in which both the parties have received simple injuries. He also contends that with the intervention of the respectables, the matter has now been compromised. He has referred to the copy of the compromise at Annexure P-3. Learned counsel has placed reliance upon a judgment of the Single Bench of this Court in CRM-M No.16531 of 2016 titled ***Sukhdev Singh and others Vs. State of Punjab and another***, decided on 02.09.2016 and a judgment of the Division Bench of this Court in the case of ***Sube Singh and another Vs. State of Haryana and another***, 2013(4)RCR(Criminal) 102, wherein it has been held that this Court under Section 482 of the Cr.P.C. is empowered to quash criminal proceedings at any stage including the pendency of appeal to secure the ends of justice.

Learned counsel for the respondent No.2 states that the matter has indeed been compromised.

A Coordinate Bench of this Court vide order dated 13.03.2019 had directed the trial Court to record the statements of the parties with regard to

genuineness of the compromise and send a report to this Court. The report of the Sub Divisional Judicial Magistrate, Guruharsahai, dated 30.04.2019, has been received, wherein it is stated that in pursuance to the order of this Court, the statements of the parties were recorded, which indicates that they have entered into compromise voluntarily and without any pressure or undue influence.

It is a case of version and cross-version in which both the parties have received simple injuries. The matter has now been compromised with the intervention of the respectables. It would be in the interest of justice if the FIR/complaint case and all consequential proceedings arising therefrom including order of conviction are set-aside to enable the parties to live in peace and harmony.

Consequently, the petition is allowed and complaint case bearing CNR No.PBFZD10002222015, CIS No.CRM-32/2015, RBT No.14-05 of 16.02.2011/15.09.2017 D.O.I. on 16.02.2011, under Sections 452, 324, 323, 148, 149, 34 IPC, Police Station Guruharsahai is quashed qua the petitioners and conviction as well as order of sentence dated 26.07.2018 passed by the JMIC, Guruharsahai is set-aside. The appeal preferred by the petitioners against the aforesaid judgment and order is rendered infructuous and shall be declared so by the first Appellate Court.

(ANUPINDER SINGH GREWAL)
JUDGE

August 03, 2021
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No