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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-4326-2021 in/and
CRM-M-30786-2019
Date of Decision: 22.02.2021

Karnail Singh and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Parminder Singh, Advocate,
for the applicants/petitioners.

Mr. Anmol Malik, DAG, Haryana,
for respondent No. 1/State.

Mr. Kamlesh Advocate,
for respondent Nos.2 & 3.

SUDIP AHLUWALIA, J. (ORAL)

CRM-4326-2021

For the reasons mentioned in the application, the prayer for preponement is allowed and the date of hearing in the main case is preponed to today itself.

Application stands disposed off.

CRM-M-30786-2019

In this petition, the petitioners, who are the accused persons in F.I.R. No. 166, dated 28.04.2012, under Sections 323, 324, 285, 148 & 149 of the IPC and Sections 27/25/54 of the Arms Act, registered at Police Station Assandh, District Karnal (Annexure P-1), have prayed for quashing

of F.I.R. with all subsequent proceedings, as also the judgment of conviction passed by the Court below, i.e., Judicial Magistrate First Class, Assandh (Karnal), on the basis of compromise (Annexure P-3).

[2]. The petitioners were convicted of the offences under Sections 323, 324, 148 & 149 of the IPC and sentenced accordingly. There is no conviction under the Arms Act. The judgment of conviction has been challenged in the appeal which is pending before the Sessions Court at Karnal. Now, the instant petition has been filed, since the parties concerned have arrived at a settlement. The matter was referred to the Court below for recording of statements of the parties and to report with respect to genuineness of the compromise arrived at between the parties. Ld. Additional District & Sessions Judge, Karnal, vide report dated 08.08.2019, has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

[3]. Respondent Nos.2 & 3, i.e., complainant and his son, who was also attacked upon in the occurrence, are represented by their Counsel through Video Conferencing, who does not dispute the compromise.

[4]. In view of the report of the Additional District & Sessions Judge, Karnal, and in view of the decision of the Hon'ble Supreme Court in **“Gian Singh Vs. State of Punjab and another”, 2012(4) RCR (Criminal) 543** and **“Narinder Singh and Others Vs. State of Punjab and Another”, (2014) 6 SCC 466**, this Court is of the opinion that no useful purpose can be served by keeping with the criminal proceedings pending, since the complainant and his son have themselves compromised the dispute with the petitioners/ accused persons.

[5]. In the circumstances and in view of the decisions of the Supreme Court in “Gulab Das Vs. State of M.P.”, 2012 (1) R.C.R. (Criminal) 220 and “Mukesh Kumar Vs. State of Rajasthan”, 2013 (11) S.C.C. 511, while sustaining conviction of the petitioners for the offences under Sections 323, 324, 148 & 149 of the IPC, the matter is disposed off with a direction that no further sentence apart from the one already undergone by them, needs to be suffered by them nor any fine needs to be paid. F.I.R. No. 166, dated 28.04.2012 (Annexure P-1), with all consequential proceedings arising therefrom, including the judgment of conviction and order of sentence (Annexure P-2), are hereby quashed on the basis of compromise qua the present petitioners.

22.02.2021

Bhumika

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No