

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-S No.3314-SB of 2012 (O&M)
Date of Decision:20.12.2021
(Heard through VC)

Gurmit Singh @ Meeta and others ...Appellants

Versus

Karnail Singh (through LRs) and another ...Respondents

2. **CRA-S No.3577-SB of 2012 (O&M)**

Karnail Singh and others ...Appellants

Versus

State of Punjab ...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Anmol Partap Singh Mann, Advocate
for the appellants in CRA-S No.3314-SB of 2012
and for the complainant/private respondents in CRA-S No.3577-SB of 2012.

Ms. Sarika Gupta, Advocate
for the appellants in CRA-S No.3577-SB of 2012 and
for the complainant/private respondents in CRA-S No.3314-SB of 2012.

Ms. Ruchika Sabharwal, AAG, Punjab.

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JAISHREE THAKUR, J. (ORAL)

1. By this common order, this Court proposes to decide Criminal Appeals No.3314-SB and 3577-SB of 2012 arising out of cross-cases in private complaints as the matter stands compromised *inter se* parties.

2. In brief, facts to be noted in the instant matters are that on account of a dispute that ensued between Karnail Singh and six others and Maan Singh and 7 others, a complaint case came to be filed. In Sessions Case No.7 of 2011 titled as *Karnail Singh Vs. Sonu and others*, the accused-respondents were convicted

under Sections 307, 323, 148 read with Section 149 IPC and sentenced for a substantial period of three years on account of injuries suffered by Karnail Singh, Joga Singh and Surinder Kaur wife of Joga Singh whereas in Sessions Case No.8 of 2011 titled as *Man Singh Vs. Joga Singh and others*, the accused-respondents were convicted under Sections 323, 148 read with Section 149 IPC and released on probation for one year.

3. Against the judgment passed in Sessions Case No.7 of 2011, criminal appeal bearing CRA-S No.3314-SB of 2012 has been filed by Gurmit Singh @ Meeta and others challenging their conviction whereas against the judgment passed in Sessions Case No.8 of 2011, criminal appeal bearing CRA-S No.3577-SB of 2012 has been filed by Karnail Singh and others challenging their conviction. Apart from the aforesaid appeals, Criminal Revision bearing CRR No.326 of 2013 has been preferred at the instance of Karnail Singh wherein he prayed for enhancement of sentence awarded to the accused persons in Sessions Case No.7 of 2011 whereas in CRM-A No.31-MA of 2013, Man Singh challenged the judgment passed by the Additional Sessions Judge (Ad hoc), FTC, Hoshiarpur whereby the accused were released on probation.

4. Learned counsel for the appellants submit that during the pendency of these proceedings, the matter was compromised *inter se* parties, consequent to which parties were directed to appear before the trial Court/Illaq Magistrate for getting their statements recorded. It is further submitted that a report has been received from the Sub Divisional Judicial Magistrate, Dasuya stating therein that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one. As regards conviction under Section 307 IPC, it is submitted that the injuries inflicted upon Surinder Kaur by the appellants in CRA-S No.3314-SB of 2012 are simple and blunt and

therefore, offence under Section 307 IPC is not made out. Further reliance has been placed upon judgment rendered by the Hon'ble Apex Court in ***Ramgopal and another Vs. State of Madhya Pradesh 2021 (4) RCR (Criminal) 322*** wherein it has been held that non-compoundable criminal cases of predominantly private nature can be quashed under Section 482 Cr.P.C., even if compromise is arrived at after conviction.

5. Man Singh has withdrawn his application for leave to appeal (CRM-A No.31-MA of 2013) whereas Karnail Singh (through LRs) has withdrawn CRR No.326 of 2013.

6. Learned counsel appearing for the respondent-State on instructions from the IO and the counsel appearing for the complainant/private respondent admit to the factum of compromise.

7. I have heard learned counsel for the parties and have also gone through the judgments passed by the Courts below and the report submitted by the Sub Divisional Judicial Magistrate, Dasuya wherein it has been stated that the compromise arrived at between the parties is genuine. Therefore, keeping in view the fact that the dispute has been amicably settled and in view of the judgment rendered by the Hon'ble Supreme Court in ***Ram Gopal's case*** (supra), both the appeals are disposed of. The judgments and orders of sentence dated 07.11.2012 passed by the Additional Sessions Judge (Ad hoc), Fast Track Court, Hoshiarpur in Sessions Case No.7 & 8 of 2011 are set aside and all the proceedings arising out of both the complaint cases are quashed qua the appellants.

(JAISHREE THAKUR)
JUDGE

December 20, 2021

Pankaj*

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No