

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(274)

CRM-M-4511-2022

Date of Decision:- 09.05.2022

Sandeep Singh @ Ghudda

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Jagjot Singh Lalli, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab
for the respondent No.1-State.

Mr. Achin Gupta, Advocate for the respondents No.2 and 3.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.02 dated 02.01.2015, registered for offences under Sections 354, 323, 294 and 506 of the Indian Penal Code, 1860 (for short "IPC"), Annexure P-1, at Police Station Ladhawal, District Ludhiana, along with all subsequent proceedings arising therefrom, including the judgment of conviction and sentence dated 21.11.2018, Annexure P-2, whereby the petitioner was convicted under Sections 323, 354 and 506, IPC, on the basis of compromise deed dated 04.01.2022, Annexure P-4.

Counsel for the petitioner submits that FIR is an outcome of misunderstanding between the parties, who are known to each other and are residents of the same village. He submits that although the petitioner has been convicted on the allegation of using filthy language and slapping the

complainant, but the dispute being entirely personal in nature has been settled by virtue of a compromise, Annexure P-4, entered into after the conviction of the petitioner, which is under challenge in appeal. He submits that the statements of the parties have been recorded in support of the compromise and the petitioner has also deposited the costs as directed by this Court vide order dated 04.02.2022.

State counsel has opposed the petition on the ground that the FIR cannot be quashed as the settlement has been arrived at after conviction. However, counsel representing the complainant-respondents No.2 and 3 has not only admitted the factum of compromise, but also supported the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 04.02.2022, this Court directed the parties to appear before the Trial Court/Area Magistrate and get their statements recorded in support of the compromise and a report was called for on the following points:-

- “1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties;*
- 5. whether any other criminal case is pending against the accused..”*

Report has been received and its relevant extract is as under:-

“On dated 15.03.2022, ASI, Harmit Singh No.2335/Ldh has suffered a statement that Investigation Officer of this case was ASI, Mahinder Singh No.1412/Amritsar and he is now in jail custody in Central Jail, Amritsar. As per the police record, FIR No.02 dated

02.01.2015, under Sections 354, 323, 294, 506 IPC, P.S. Laddowal, Ludhiana was got registered against accused Sandeep Singh on the statement of complainant Pallavi daughter of Satpal R/o VPO Laddowal, District Ludhiana. The accused was convicted by Hon'ble Court of Sh. Jasbeer Singh, JMIC, Ludhiana on 21.11.2018 and the appeal is pending in the Hon'ble Court of Ms. Manjinder, Ld. ASJ, Ludhiana and fixed for 18.03.2022. It was further stated by him that accused has not involved in any other FIR except the present FIR and accused has not been declared proclaimed offender in this case as per the police record.

From the statements, it appears that compromise has been voluntarily effected between the parties. The compromise appears to be genuine and without any pressure or coercion.

Perusal of record reveals that only one accused Sandeep Singh is arrayed as an accused in the present FIR. He has never been declared as proclaimed offender.”

As per the report received, the petitioner has deposited the cost of Rs.25,000/- imposed by this Court. An examination of the allegations levelled in the FIR shows that the dispute between the parties is a private one, which has been voluntarily settled with the intervention of respectables. The parties, who are co-villagers, are known to each other and do not have any criminal record. There is nothing to show that there is any hostility between them or their families. This Court is, therefore, of the view that setting aside of criminal proceedings would go a long way to bring about peace and harmony in the lives of the parties.

Supreme Court in ***Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322*** and a Division Bench of this Court in case ***Sube Singh and another vs. State of Haryana and another, 2013(4) RCR (Criminal) 102*** has held that an FIR can be quashed on the basis of a compromise arrived at post conviction.

Keeping in view the above, this Court is of the opinion that the FIR as well as the order of conviction and sentence deserve to be set aside.

Petition is allowed.

FIR No.02 dated 02.01.2015, registered for offences under Sections 354, 323, 294 and 506 of the Indian Penal Code, 1860, Annexure P-1, at Police Station Ladhawal, District Ludhiana and order of conviction and sentence dated 21.11.2018, Annexures P-2, are set aside qua the petitioner.

(SUVIR SEHGAL)
JUDGE

09.05.2022
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No