

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-7491-2022
Reserved on : 21.03.2022
Pronounced on: March 25, 2022

Balbir SinghPetitioner

Vs.

State of Punjab and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Navjot Singh, Advocate for the petitioner.

Mr. H.S. Sitta, AAG, Punjab.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
85	22.05.2008	Bhawanigarh, District Sangrur (Punjab)	307 IPC and Section 27 of Arms Act

Criminal Case no. before trial Court	Sessions Case No.37 of 13.09.2008 BT No.37 of 08.04.2009 Decided on 27.04.2009
Criminal Appeal no. before High Court	CRA-S-1253-SB-2009 and Criminal Revision No.2930 of 2009

The petitioner(s), convicted in the above captioned FIR, has come up before this Court under Section 482 CrPC for quashing of the FIR and all consequential proceedings including judgment of conviction based on the compromise with the victim(s).

2. During the pendency of the petition, the accused and the victim(s) have compromised the matter, and its copy is annexed with this petition.
3. After that, the petitioner(s) came up before this Court to quash the FIR, and in the quashing petition, the victim(s) have been impleaded as respondent(s).
4. On 7-3-2022 Nachhatar Singh-respondent no. 2 stated before the ACJM Sangrur that there would be no objection if the Court quashes this FIR and consequent proceedings. As per the concerned Court's report dated 12-3-2022, the parties consented to the quashing of FIR and consequent proceedings without any threat.

5. It would be relevant to reproduce paragraph 4 of the quashing petition, which reads as follows:

*“That infact, the petitioner has filed Criminal Revision against his conviction bearing No.CRR-2930-2009, which is admitted before this Hon’ble Court, further the complainant has also filed a criminal appeal against acquittal of the co-accused of the petitioner bearing No.CRA-S-1253-SB-2009, which is pending before this Hon’ble Court. The copy of the judgment of conviction dated 27.04.2009 is annexed herewith as **Annexure P-3**”*

6. Once the appeal and the revision arising out of the criminal trial are pending before this court, the judicial etiquette demands that the present petition should have been filed in such appeal/revision, with an application to club those matters. However, the petitioner filed a separate independent petition. The proper course was to file a petition in the criminal appeal against conviction and not by filing a separate petition. When an appeal against conviction is pending adjudication before this court, it has to be decided on merits. The co-ordinate benches do not exercise any superintending jurisdiction over each other. Thus, for the bench hearing, the primary matter has to form an opinion about the acceptance or rejection of the compromise.

7. Given above and since all the victims did not state about their no objection to the compromise and also the reasons which led to the compromise, as such this court cannot proceed further in this matter.

8. Given above, the petition is dismissed. However, liberty is reserved to the petitioner to file a fresh petition and there would be no necessity re-examine Nachattar Singh and the accused, whose statements stand recorded. The copies of the statements alongwith report would suffice.

Petition dismissed in the terms mentioned above, with liberty reserved.

(ANOOP CHITKARA)
JUDGE

March 25, 2022
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Whether speaking/reasoned: Yes
Whether reportable: No.