

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

CRM-M-8796-2022
Date of Decision:-11.05.2022

PREM KUMAR AND OTHERS

... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Madhur Sharma, Advocate
for the petitioners.

Mr. R.S. Khaira, AAG, Punjab.

Mr. Surjit Singh Swaich, Advocate
for the respondents No.2 to 6.

KARAMJIT SINGH, J. (Oral)

Present petition is filed seeking quashing of cross-case DDR No.12 dated 14.4.2012 (Annexure P-1) registered under Sections 323, 506, 148, 149 IPC in case FIR No.50 dated 13.4.2012 registered under Sections 323, 324, 451, 506, 427, 382, 148, 149 IPC (Sections 451 and 382 IPC deleted later on) at Police Station Division No.6, Industrial Area, District Ludhiana (City) and all the subsequent proceedings thereto including the judgment of conviction and order of sentence dated 31.7.20218 (Annexure

P-3) under Sections 323, 506 read with Section 34 IPC passed by the learned Judicial Magistrate Ist Class, Ludhiana in case No.58/01 of 18.7.2013 file No.CHI/44201/2013 titled as State of Punjab vs. Prem Kumar and others, against which the criminal appeal No.606 of 2018 titled Prem Kumar and others vs. State of Punjab is pending before the learned Additional Sessions Judge, Ludhiana on the basis of compromise dated 15.4.2021 (Annexure P-7) along with other consequential proceedings arising thereto.

The above stated DDR was registered on the basis of the statement of respondent No.3-Jatinder Singh, in which he stated that on 12.4.2012 at about 6:00 p.m. his mother Manjeet Kaur (respondent No.4) went to the shop of petitioner No.1-Prem Kumar to collect rent. At that time petitioner No.1 misbehaved and slapped her and she raised alarm on which he and other members of his family also reached there. In the meantime, respondent No.2-Sandeep Kumar son of petitioner No.1 along with 15/20 other persons reached there and they started beating respondents No.2 to 6.

After the completion of investigation, challan was presented against the petitioners and on conclusion of the trial, they were convicted by the trial Court vide judgement and order dated 31.7.2018 (Annexure P-3) under Sections 323, 506 read with Section 34 IPC. Appeal filed by the petitioners against the aforesaid judgment and order is pending before the Court of learned Additional Sessions Judge, Ludhiana.

On notice of motion, respondents No.2 to 6 appeared in the Court through their counsel and pleaded that they have no objection if the FIR in this case is quashed on the basis of the aforesaid compromise which has been effected between the parties.

During the course of preliminary hearing, concerned Appellate Court was directed to record the statements of the all the concerned parties with regard to genuineness and validity or otherwise of the aforesaid compromise.

In compliance thereof, report from the concerned Appellate Court along with statements of the parties has been received, in which, it is mentioned that the compromise is genuine and there was no undue influence or coercion from any side.

I have heard learned counsel for the parties

Learned counsel for the parties are *ad idem* that in view of the settlement effected between the parties, the present petition deserves to be accepted. It has also come on record that the aforesaid compromise is genuine and the parties effected the same without any undue influence or coercion.

A Division Bench of this Court in **Sube Singh and Another vs. State of Haryana and Another, 2013(4) RCR(Criminal) 102** allowed the compromise quashing petition and quashed the FIR as well as all the subsequent thereof including judgement and order passed by the Court of Additional Chief Judicial Magistrate whereby the accused persons were convicted and sentenced to imprisonment and further held that the appeal preferred by the accused persons against the aforesaid judgment and order has been rendered infructuous.

Recently the Hon'ble Apex Court in **Criminal Appeal No.1393 of 2011** titled as **Ramawatar vs. State of Madhya Pradesh** decided on

25.10.2021 quashed all the proceedings including judgment and order of conviction and sentence passed by the trial Court against which the appeal was pending in the High Court, on the basis of the compromise effected between the parties.

In the case in hand there is also main-version to the present DDR and even in the said main-case, the parties have effected compromise. This Court is of the view that the dispute between the parties is primarily a private in nature. In view of the compromise, respondents No.2 to 6 do not want to take any further action against the petitioners. I am of the view that the aforesaid compromise is in the welfare and interest of the parties and will enable the parties to live in peace and enjoy their life in a dignified manner. So no fruitful purpose would be served by keeping the proceedings pending in the Appellate Court.

For the reasons aforestated and having regard to the law laid down by Hon'ble Apex Court in **Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543** and Five Judges Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, this petition is allowed and DDR No.12 dated 14.4.2012 (Annexure P-1) registered under Sections 323, 506, 148, 149 IPC in case FIR No.50 dated 13.4.2012 registered under Sections 323, 324, 451, 506, 427, 382, 148, 149 IPC (Sections 451 and 382 IPC deleted later on) at Police Station Division No.6, Industrial Area, District Ludhiana (City) and all the subsequent proceedings thereto including the judgment of conviction and order of sentence dated 31.7.20218 (Annexure P-3) under Sections 323, 506 read with Section 34 IPC passed by the learned Judicial

Magistrate Ist Class, Ludhiana in case No.58/01 of 18.7.2013 file No.CHI/44201/2013 titled as State of Punjab vs. Prem Kumar and others, against which the criminal appeal No.606 of 2018 titled Prem Kumar and others vs. State of Punjab is pending before the learned Additional Sessions Judge, Ludhiana are hereby quashed qua the petitioners, on the basis of compromise dated 15.4.2021 (Annexure P-7).

Resultantly, the appeal preferred by the petitioners against the aforesaid judgment and order dated 31.7.20218 (Annexure P-3) would be rendered infructuous and shall be so declared by the concerned First Appellate Court, Ludhiana.

The present petition stands allowed in the aforesaid terms.

(KARAMJIT SINGH)
JUDGE

11.05.2022
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No