

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-18731-2016 (O & M)

Date of decision: 12.05.2022

Harbans Singh and ors.

.... Petitioners

V/s

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. J.S. Uppal, Advocate, for the petitioners.

Mr. Sidakmeet Sandhu, AAG, Punjab.

Mr. Bhanu Partap Singh, Advocate, for respondents No.2 to 4.

JASJIT SINGH BEDI, J. (Oral)

The Prayer in this petition is for the quashing of the FIR No.87 dated 25.06.2008 (Annexure P-1) registered under Sections 324/341/506/323/148 and 149 IPC and Section 326 IPC (added later on) with Police Station Ahmedgarh, District Sangrur, and all consequential proceedings arising therefrom on the basis of compromise (Annexure P-3) arrived at between the parties.

The learned counsel for the petitioners submits that the petitioners-accused have been convicted and sentenced vide judgment and order dated 20.05.2014 (Annexure P-2) passed by the Judicial Magistrate Ist Class, Malerkotla. The appeal of the petitioners-accused is pending before the Sessions Judge, Sangrur.

Vide order dated 09.05.2019 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 09.05.2019 with regard to the compromise (Annexure P-3).

In terms of the order dated 09.05.2019 passed by this Court parties have appeared before the court of Additional Sessions Judge, Sangrur, and as per her report dated 27.05.2019, both the parties have got recorded their respective statements in Court.

A perusal of the aforesaid report would show that the parties have effected a genuine compromise without there being any pressure, coercion or undue influence.

The Hon'ble Supreme Court in "*Ramgopal and another versus State of Madhya Pradesh, 2021(4) RCR (Criminal) 322*", has held that in non-compoundable cases of pre-dominantly private nature, even if compromise is reached after conviction, the proceedings can be quashed under Section 482 Cr.P.C. Further, the compromise in the present case is found to be fully in consonance with the direction issued by the Court in *Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543*.

In view of the aforesaid report of the learned Additional Sessions Judge, Sangrur, accompanied by the joint statement of both the parties, FIR No. 87 dated 25.06.2008 (Annexure P-1) registered under Sections 324/341/506/323/148 and 149 IPC and Section 326 IPC (added later on) with Police Station Ahmedgarh, District Sangrur, and all consequential proceedings arising therefrom are hereby quashed.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 12, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No