

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

CRM-M-10974 of 2020(O&M)

Date of Decision: 23.09.2022

Harpal Singh @ Gulshan & Ors.

...Petitioners

Versus

State of Haryana & Ors.

...Respondents

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Deepanshu Matya, Advocate
For the petitioners.**

Mr. Naveen Kumar Sheoran, DAG Haryana.

None for private respondents.

KARAMJIT SINGH, J.

Present petition is for quashing of FIR No. 14 dated 13.02.2013, registered under Sections 148, 149, 323, 324 and 506 IPC (Annexure P-1) and all the consequential proceedings arising therefrom including the judgment of conviction and sentence dated 22.05.2017 passed by the Court of learned Judicial Magistrate Ist Class, Kurukshetra (Annexure P-3) on the basis of compromise deed dated 08.01.2019 (Annexure P-2).

The aforesaid FIR was registered on the basis of statement of respondent No.2 against the petitioners and some other persons for causing injuries to him and respondent No.3.

On notice of motion respondents No.2 and 3 appeared in the Court through their counsel and pleaded that they are having no objection if

the aforesaid FIR and the judgment of conviction are quashed on the basis of the compromise which has been effected between the parties.

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

In compliance thereof, report from the Court of learned Judicial Magistrate Ist Class, Kurukshetra along with the 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 the learned counsel for the parties.

The 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 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 proceedings thereof including judgment 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 at hand the petitioners along with Bhura Singh, Ravinder Singh @ Gullu, Harmeet Singh @ Meeta and Bharat Bhushan, faced trial. The petitioners were acquitted while Bhura Singh, Ravinder Singh @ Gullu, Harmeet Singh @ Meeta and Bharat Bhushan were convicted by the trial Court vide judgment dated 22.05.2017. The State has already filed appeal against the acquittal of the petitioners and the said appeal is pending in the Court of learned Additional Sessions Judge, Kurukshetra. The convicted persons also filed appeal against the aforesaid judgment. Thereafter, the aforesaid convicted persons filed quashing petition on the basis of the compromise and the same was accepted by the Co-ordinate Bench of this Court vide judgment dated 15.05.2019 (Annexure P-5).

Undoubtedly, the parties have effected compromise, in the instant case. In view of the said compromise respondents No.2 and 3 do not want to take any further action against the petitioners. This Court is 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. Further, the State counsel has made statement pleading no objection if the present petition is allowed on the basis of the compromise which has been effected between the parties. 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 FIR No. 14 dated 13.02.2013, registered under Sections 148, 149, 323, 324 and 506 IPC (Annexure P-1) and all the consequential proceedings arising therefrom including the judgment of conviction and sentence dated 22.05.2017 passed by the Court of learned Judicial Magistrate Ist Class, Kurukshetra (Annexure P-3) are quashed on the basis of compromise deed dated 08.01.2019 (Annexure P-2).

Resultantly, the appeal preferred by the State against the acquittal of the petitioners would be rendered infructuous.

The present petition stands allowed in the aforesaid terms.

23.09.2022
Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No