

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

203

CRM-M-34669 of 2017
Date of Decision: 26.08.2022

Rajinder Kaur and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Suvir Sidhu, Advocate
for the petitioners.

Mr. Vishnav Gandhi, DAG, Punjab.

Mr. R.K. Girdhar, Advocate
for respondent No.2.

NAMIT KUMAR, J (ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of judgment of conviction and order of sentence dated 15.05.2015 (Annexure P-1) passed by the learned Judicial Magistrate Ist Class, Giderbaha, District Sri Muktsar Sahib, vide which the present petitioners along with others were convicted in complaint case No.RT-34 of 12.10.2011/27.06.2014 titled 'Ranjit Singh Vs. Rajinder Kaur and others' under Sections 420, 465, 467, 468, 471 and 120-B IPC, along with all consequential proceedings arising therefrom on the basis of a compromise dated 12.09.2017 (Annexure P-5) arrived at between the parties.

Vide order dated 01.03.2018, this Court had directed the parties to appear before Illaqa Magistrate/trial Court for getting their statements recorded with regard to the compromise dated 12.09.2017 (Annexure P-5).

The Illaqa Magistrate/trial Court was to submit a report in this regard giving certain details as enumerated in the said order.

Pursuant to the order dated 01.03.2018 passed by this Court, the parties have appeared before the learned Judicial Magistrate Ist Class, Gidderbaha and as per the report dated 20.03.2018 submitted to this Court, 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 of judgments with the direction issued by the Court in **"Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (3) RCR (Criminal) 1052"** and **"Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (CrL) 543"**.

The Hon'ble Supreme Court in **"A.T. Sivaperumal versus Mohammed Hyath (D) by LRs, decided on 27.03.2017"**, has held that once the settlement between the parties has been arrived at, the conviction can also be set aside and the litigation too. Similar view has been taken by a Co-ordinate Bench of this Court in the case of **"Jagmohan Vs. Sandeep Aggarwal and another 2021(4) RCR (Criminal) 86"**.

In view of the aforesaid report of the learned Judicial Magistrate Ist Class, Gidderbaha accompanied by statements of both the

parties, the judgment of conviction and order of sentence dated 15.05.2015 (Annexure P-1), vide which the present petitioners along with others were convicted, along with all consequential proceedings arising therefrom are hereby quashed, on the basis of compromise, *qua* the petitioners only subject to the petitioners depositing an amount of Rs.20,000/- as costs, with the Punjab Legal Services Authority.

The petition stands disposed of accordingly.

26.08.2022

D.Bansal

**(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No