

224

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-37809-2018

Date of Decision:-09.12.2022

Jasvir Singh

.....Petitioner.

Versus

State of Punjab & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr.Gurcharan Dass, Advocate
for the petitioner(s).

Ms. Ramta Chaudhary, DAG, Punjab.

Mr. Vikas Kumar, Advocate
for respondent No.2.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition is for quashing of FIR No.290 dated 09.09.2011 (Annexure P-1) registered under Sections 324, 323, 506 IPC (Section 326 IPC added on 24.09.2021) at Police Station Payal, Police District Khanna, District Ludhiana, Charge sheet dated 22.11.2011 (Annexure P-2) and all consequential proceedings as well as Judgment and Conviction Order dated 09.12.2016 (Annexure P-3) passed by Sub Divisional Judicial Magistrate, Payal and order dated 20.03.2017 (Annexure P-9) passed by the Sessions Judge, Ludhiana on the basis of compromise dated 02.03.2017 (Annexure P-8) arrived at between the parties.

Vide order dated 29.01.2019 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 29.01.2019 with regard to the compromise dated 02.03.2017 (P-8).

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 29.01.2019 passed by this Court, the parties have appeared before Mr. P.S. Kaleka, Chief Judicial Magistrate Ludhiana and as per the report dated 01.05.2019 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***”.

In view of the aforesaid report of the Chief Judicial Magistrate, Ludhiana accompanied by statements of both the parties, the FIR No.290 dated 09.09.2011 (Annexure P-1) registered under Sections 324, 323, 506 IPC (Section 326 IPC added on 24.09.2021) at Police Station Payal, Police District Khanna, District Ludhiana, Charge sheet dated 22.11.2011 (Annexure P-2) along with all consequential proceedings arising therefrom including the appeal proceedings pending qua the judgment of conviction before the Sub Divisional Judicial Magistrate, Payal are hereby quashed qua the petitioners.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

09.12.2022
JITESH

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