

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

**CRM-M-42944 of 2018
Date of Decision:- 02.12.2022**

Dharam Singh

....Petitioner

Vs.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Sanjeev Kr. Aarya, Advocate
for the petitioners.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Mohinder Singh, Advocate for respondent No.2

KARAMJIT SINGH, J.

Prayer in this petition is for quashing of FIR No.254 (Annexure P-1) dated 16.09.2006 registered under Sections 419, 420, 465, 467, 471, 409, 120B IPC registered at Police Station Butana, District Karnal and all the subsequent proceedings arising thereof including judgment/order dated 6/8.2.2013, Annexure P-2, passed by the Court of Chief Judicial Magistrate, Karnal, whereby the petitioner was convicted and sentenced to imprisonment under Section 409, 465, 467, 471, IPC and judgment dated 06.04.2017, Annexure P-4, passed by the Court of Additional Sessions Judge, Karnal, vide which the appeal filed by the petitioner against judgment/order, Annexure

P-2 was dismissed, on the basis of compromise dated 20.09.2018 (Annexure P-5).

The above stated FIR was registered on the statement of late Ratti Ram against petitioner Dharam Singh and one Jai Singh.

Complainant Ratti Ram has died and is represented through his legal heirs Sona Devi (widow) and Dilbag Singh (son). The copy of death certificate Ratti Ram is Annexure P-3.

Further, accused Jai Singh was acquitted by the trial Court vide judgment, Annexure P-2, however, petitioner Dharam Singh was convicted and sentenced to imprisonment. Being aggrieved, petitioner Dharam Singh filed an appeal against the said judgment but the same was also dismissed by Court of Additional Sessions Judge, Karnal, vide judgment dated 6.4.2017, Annexure P-4.

On notice of motion, respondent No.2 through his legal heirs appeared in the Court through their counsel and pleaded that they have no objection if the aforesaid FIR and judgment and order dated 6/8.2.2013, Annexure P-2, passed by the trial Court and judgment dated 06.04.2017, Annexure P-4, passed by the Appellate Court are quashed on the basis of the aforesaid compromise which has been effected between the parties.

During the course of preliminary hearing, the trial 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 Court of Chief Judicial Magistrate, Karnal along with statements of the parties have been received, in which, it is mentioned that the compromise is genuine and there is no undue influence or coercion from any side.

I have heard learned counsel for the parties.

Learned counsel for the petitioner(s) and for respondent No.2 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 quashing petition on the basis of compromise 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, Ramawatar Vs. State of Madhya Pradesh, decided on 25.10.2021*, quashed all the proceedings including judgment and order of conviction and sentenced passed by the trial Court against

which the appeal was pending in the High Court, on the basis of compromised effected between the parties.

In the case in hand, the parties have effected compromise. In view of the compromise, respondent No.2 through his legal heirs does not want to take any further action against the petitioner. I am of the view that the aforesaid compromise is in the welfare 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 and further continuation of the criminal proceedings between the parties would be a futile exercise and sheer wastage of time of the Court and thus, amount to abuse of process of law.

For the reasons aforesaid 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.254 (Annexure P-1) dated 16.09.2006 registered under Sections 419, 420, 465, 467, 471, 409, 120B IPC registered at Police Station Butana, District Karnal and all the subsequent proceedings arising thereof including judgment/order dated 6/8.2.2013, Annexure P-2, passed by the Court of Chief Judicial Magistrate, Karnal, whereby the petitioner was convicted and sentenced to imprisonment under Section 409, 465, 467, 471, IPC and judgment dated

06.04.2017, Annexure P-4, passed by the Court of Additional Sessions Judge, Karnal, vide which the appeal filed by the petitioner against judgment/order, Annexure P-2 was dismissed, on the basis of compromise dated 20.09.2018 (Annexure P-5) are hereby quashed qua the petitioner.

The present petition stands disposed of accordingly, so also the pending miscellaneous application(s), if any.

02.12.2022
P. Chawla

(KARAMJIT SINGH)
JUDGE

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