

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-48406-2018 (O & M)

Date of decision: 26.04.2022

Sarban Kumar @ Sarwan Ram and anr.

.... Petitioners

V/s

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Iqbal S. Mann, Advocate, for the petitioners.

Mr. Sidakmeet Sandhu, AAG, Punjab.

Mr. G.S. Simble, 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.141 dated 03.12.2010 (Annexure P-1) registered under Sections 452, 324, 323, 34 IPC with Police Station Sadar Malout, District Sri Muktsar Sahib and judgment dated 16.09.2016 (Annexure P-2) passed by Sh. Gurpreet Singh, JMIC, Malout in Criminal Case No.CHI/320/2013 titled as "State versus Kashmir Chand and others" and all consequential proceedings arising therefrom on the basis of compromise (Annexure P-3) arrived at between the parties. The appeal of the accused is pending in the Court of District & Sessions judge, Sri Muktsar Sahib.

Vide order dated 31.10.2018 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 31.10.2018 with regard to the compromise (Annexure P-3).

In terms of the order dated 31.10.2018 by this Court parties have appeared before the court of Sessions Judge, Sri Muktsar Sahib, and as per his report dated 28.11.2018, both the parties have got recorded their respective statements in Court and accused-Rupa Ram had already been declared proclaimed offender by the learned Trial Court vide order dated 19.01.2015. Even otherwise partial quashing on the basis of compromise is permissible as per the judgments of the Hon'ble Supreme Court in ***“Lovely Salhotra and another versus State NCT of Delhi and another, 2017(3) RCR (Criminal) 85”***, as well as this Court in the cases of ***“Rajesh Rana and others versus State of Punjab and another (CRM-M42829-2021 decided on 22.02.2022, (ii) Munish Kumar Gulati versus State of Haryana and another, (CRM-M-24755-2021 decided on 06.04.2022)”***.

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***

(Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.

In view of the aforesaid report of the learned Sub Divisional Judicial Magistrate, Jagraon, accompanied by the joint statement of both the parties, FIR No.141 dated 03.12.2010 (Annexure P-1) registered under Sections 452, 324, 323, 34 IPC with Police Station Sadar Malout, District Sri Muktsar Sahib and judgment dated 16.09.2016 (Annexure P-2) passed by Sh. Gurpreet Singh, JMIC, Malout in Criminal Case No.CHI/320/2013 titled as “State versus Kashmir Chand and others” and all consequential proceedings arising therefrom are hereby quashed.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 26, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No