

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49351-2017 (O&M)
Date of Decision: 31.10.2022.

Amarjeet Singh @ Sonu and another

... Petitioners

Vs.

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Gagandeep Singh Manku, Advocate
for the petitioners.

Mr. Kamalpreet Bawa, AAG, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in this petition is for the quashing of FIR No.13 dated 02.02.2011 under Sections 326, 323, 452, 34 IPC, registered at Police Station Fattudhinga, District Kapurthala as well as the judgment of conviction and order of sentence dated 28.02.2017 (Annexure P-2) passed by the Sub Divisional Judicial Magistrate, Sultanpur Lodhi, vide which the petitioners were convicted and sentenced, and all consequential proceedings arising therefrom on the basis of compromise dated 29.11.2017 (Annexure P-3) effected between the parties.

The learned counsel for the petitioners submits that the petitioners-accused have been convicted and sentenced vide judgment and order of sentence dated 28.02.2017 (Annexure P-2) passed by the by the Sub Divisional Judicial Magistrate, Sultanpur Lodhi.

Vide order dated 21.12.2017, this Court had directed the parties to appear before the trial Court for getting their statements recorded in

terms of certain parameters given in the aforesaid order dated 21.12.2017 with regard to the compromise (Annexure P-3).

In terms of the order dated 21.12.2017 passed by this Court, parties have appeared before the court of Sub Divisional Judicial Magistrate, Sultanpur Lodhi and as per his report dated 26.07.2018, 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 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, Sultanpur Lodhi, accompanied by the joint statement of both the parties, the FIR No.13 dated 02.02.2011 under Sections 326, 323, 452, 34 IPC, registered at Police Station Fattudhinga, District Kapurthala as well as the judgment of conviction dated 28.02.2017 (Annexure P-2) passed by the Sub Divisional Judicial Magistrate, Sultanpur Lodhi, vide which the petitioners were convicted and sentenced, and all consequential proceedings arising therefrom including the appeal proceedings pending qua the judgment of conviction, are hereby quashed *qua* the petitioners only.

Petition stands disposed of.

31.10.2022
rekha sharma

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*