

272

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

CRM-M-30216-2022

Date of Decision:-22.09.2022

Surinder Kumar @ Kala & Ors.

.....Petitioners.

Versus

State of Punjab & Ors.

.....Respondents.

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

Present:- Mr. Arunjeet Singh Kakkar, Advocate for the Petitioners.

Mr. Ravinder Singh, Assistant Advocate General, Punjab.

Mr. Munish Raj Chaudhary, Advocate for
respondent nos.2 to 11.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition is for quashing of FIR No.21 dated 21.03.2021 (Annexure P-1) under Sections 326, 325, 324, 148 and 149 IPC at Police Station Jaito, District Faridkot and all consequential proceedings as well as Judgment and Conviction Order dated 26.08.2019 (Annexure P-2) passed by Id. Sub Divisional Judicial Magistrate, Jaitu, on the basis of compromise dated 18.05.2022 (Annexure P-3) arrived at between the parties.

A reply dated 21.09.2022 has been filed on behalf of respondent No.1-State by the learned State counsel by way of an affidavit of Avtar Singh, PPS, Deputy Superintendent of Police, Sub Division, Jaitu and the same is taken on record.

Vide order dated 18.07.2022 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 18.07.2022

with regard to the compromise dated 18.05.2022 (P-3).

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 18.07.2022 passed by this Court, the parties have appeared before the learned Sub Divisional Judicial Magistrate, Jaitu and as per the report dated 02.09.2022 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 learned Sub Divisional Judicial Magistrate, Jaitu, accompanied by statements of both the parties, the FIR No.21 dated 21.03.2021 (Annexure **P-1**) under Sections 326, 325, 324, 148 and 149 IPC at Police Station Jaito, District Faridkot along with all consequential proceedings arising therefrom including the appeal proceedings pending qua the judgment of conviction dated 26.08.2019 (Annexure **P-2**) passed by the Id. Sub Divisional Judicial Magistrate, Jaitu are hereby quashed qua the petitioners.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

September 22, 2022
Jitesh

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>