

CRR-796 of 2014

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

CRR-796 of 2014

Date of decision: 07.12.2022

Ram Partap and others

.....Petitioners

vs.

State of Punjab and another

.....Respondents

CRR-200 of 2014

Salinder Kumar and others

.....Petitioners

vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. K.S. Nalwa, Advocate,
for the petitioners.

Mr. Anup Singh, AAG, Punjab.

Mr. Aseem Kataria, Advocate,
for respondent No.2.

NAMIT KUMAR, J. (ORAL)

By this common order, two Criminal Revisions shall be dealt with i.e. CRR-796-2014 (pertaining to FIR case) and CRR-200-2014 (pertaining to complaint case) as the issue involved in both these revision petitions is the same. However, for the sake of convenience, facts are being taken from CRR-796-2014.

Both the aforesaid Criminal Revision Petitions have been filed by the petitioners challenging two separate judgment(s) dated 16.12.2013

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passed by the Court of learned Additional Sessions Judge, Fazilka, whereby the appeal filed by the State, against the order passed by learned Chief Judicial Magistrate, Fazilka dated 12.12.2012, was partly allowed by upholding the acquittal of accused Prem Kumar and Radha Krishnan and convicting accused Ram Partap, Manohar Lal, Ranjit Ram and Salinder Kumar. They were convicted and sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs.10,000/- each under Section 325 read with Section 34 IPC. The three accused persons i.e. Ram Partap, Ranjit Ram and Manohar Lal (except Salinder Kumar) were ordered to be released on probation of good conduct under Section 4(1) of Probation of Offenders Act, on their executing probation bonds of Rs.50,000/- each with one surety each in the like amount. Gist of the sentence awarded to the petitioners is as under :-

CRR-796-2014	CRR-200-2014
Accused Salinder Kumar, Ram Partap, Ranjit Ram and Manohar Lal were convicted under Section 325 read with Section 34 IPC to undergo rigorous imprisonment of two years with a fine of Rs.10,000/- each.	Accused Prem Kumar and Radha Krishnan were acquitted. However, accused Salinder Kumar, Ram Partap, Ranjit Ram and Manohar Lal were convicted under Section 325 read with Section 34 IPC to undergo rigorous imprisonment of two years with a fine of Rs.10,000/- each.
Compensation of Rs.1,75,000/- was awarded to the complainant i.e. Rs.1,00,000/- to be paid by accused Salinder Kumar and Rs.25,000/- each to be paid by accused Ram Partap, Ranjit Ram and Manohar Lal. In default of payment of fine, imprisonment of six months was imposed.	No compensation imposed.

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Accused Ram Partap, Ranjit Ram and Manohar Lal were ordered to be released on probation under Section 4(1) of the Probation of Offenders Act, on executing probation bond of Rs.50,000/- with one surety each in the like amount.	Accused Ram Partap, Ranjit Ram and Manohar Lal were ordered to be released on probation under Section 4(1) of the Probation of Offenders Act, on executing probation bond of Rs.50,000/- with one surety each in the like amount.
Accused Salinder Kumar did not appear on 16.12.2013	Accused Salinder Kumar did not appear on 16.12.2013

It was also ordered that sentence awarded in both the appeals shall run concurrently.

Thereafter the petitioners preferred these revision petitions before this Court. On 07.09.2022, learned counsel for the petitioners submitted that during the pendency of the revision petition, parties have compromised the matter vide compromise deed dated 04.06.2019 (Annexure P-1).

Vide order dated 07.09.2022, this Court had directed the parties to appear before the trial Court/Area Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 07.09.2022 with regard to the compromise dated 04.06.2019. The trial Court was to submit a report in this regard giving certain details as enumerated in the said order. Pursuant to the order dated 07.09.2022 passed by this Court, the parties have appeared before the learned Chief Judicial Magistrate, Fazilka, and as per the report dated 09.11.2022 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 and petitioners are not proclaimed offenders.

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As per report of the learned Chief Judicial Magistrate, Fazilka, Ram Partap (petitioner No.1 in CRR-796 of 2014 and petitioner No.4 in CRR-200 of 2014) has expired on 24.11.2021.

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 covered in consonance of judgments and the directions 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"*.

The Hon'ble Supreme Court in *"A.T. Sivaperumal versus Mohammed Hyath (D) by LRs, decided on 27.03.2017"*, has held that once the settlement between the parties has been arrived at, the conviction can also be set aside and the litigation too. Similar view has been taken by a Co-ordinate Bench of this Court in the case of *"Jagmohan Vs. Sandeep Aggarwal and another 2021(4) RCR (Criminal) 86"*.

In view of the aforesaid report of the learned Chief Judicial Magistrate, Fazilka, accompanied by statements of both the parties, complaint under Sections 342/365/325/323/427/148/149/120-B IPC; FIR No.216 dated 27.07.2003 under Sections 325/323/427/34 IPC registered at Police Station Khui Khera, along with all consequential proceedings arising therefrom as well as judgment(s) of conviction and sentence dated

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16.12.2013 are hereby quashed, on the basis of compromise, *qua* the petitioners only, subject to the petitioners depositing an amount of ₹20,000/- as costs, to be deposited jointly with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from the date of passing of this judgment.

The petitions stands disposed off accordingly.

07.12.2022
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No