

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

CRM-M-32564-2022 (O&M)
Date of Decision:-**01.09.2022**

VARINDER LAMBA

... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Nandan Jindal, Advocate
for the petitioner.

Mr. Chaman Lal Pawar, Addl. A.G. Punjab.

Mr. Sunil Kumar, Advocate
for respondent No.2.

KARAMJIT SINGH, J. (Oral)

CRM-31850-2022

Allowed as prayed subject to all just exceptions.

CRM-31851-2022

For the reasons mentioned in the application, the same is
allowed and the main case is ordered to be taken on board today itself.

Main Case

The petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR No.114 dated 18.11.2016 registered under Sections 279, 337, 338, 427 IPC at Police Station Phase-XI, District Mohali including the judgment of conviction and order of sentence dated 25.4.2022 (Annexure P-2) passed by the Court of Judicial Magistrate Ist Class, SAS Nagar Mohali along with other consequential proceedings arising thereto on the basis of compromise (Annexure P-3).

The abovesaid FIR was registered on the statement of complainant/respondent No.2-Amandeep Singh against the petitioner.

On notice of motion, respondent No.2 appeared in the Court through his counsel and pleaded that he has no objection if the aforesaid FIR as well as judgment of conviction and order of sentence is quashed on the basis of the aforesaid compromise which has been effected between the parties.

During the course of preliminary hearing, the Appellate 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 District & Sessions Judge, SAS Nagar, Mohali along with statements of the parties has been received, in which, it is mentioned that the compromise is genuine and there was no undue influence or coercion from any side.

I have heard learned counsel for the parties

Learned counsel for the parties 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 compromise quashing petition and quashed the FIR as well as all the subsequent 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** titled as **Ramawatar vs. State of Madhya Pradesh** decided on 25.10.2021 quashed all the proceedings including judgment and order of conviction and sentence passed by the trial Court against which the appeal was pending in the High Court, on the basis of the compromise effected between the parties.

In the case in hand, the parties have effected compromise. In view of the compromise, respondent No.2 does not want to take any further action against the petitioner. I am of the view that the aforesaid compromise is in the welfare and interest 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.

For the reasons aforestated 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.114 dated 18.11.2016 registered under Sections 279, 337, 338, 427 IPC at Police Station Phase-XI, District Mohali including the judgment of conviction and order of sentence dated 25.4.2022 (Annexure P-2) passed by the Court of Judicial Magistrate Ist Class, SAS Nagar Mohali along with other consequential proceedings arising thereto are quashed qua the petitioner on the basis of compromise (Annexure P-3).

Resultantly, the appeal preferred by the petitioner against the aforesaid judgment of conviction and order of sentence dated 25.4.2022 (Annexure P-2) would be rendered infructuous.

The present petition stands allowed in the aforesaid terms.

(KARAMJIT SINGH)
JUDGE

01.09.2022
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No