

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

**CRM-M-31954 of 2019
Date of Decision:- 20.05.2022**

Harbhajan Singh and others

....Petitioners

Vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Ritesh Pandey, Advocate
for the petitioners.

Ms. Jaspreet Kaur, AAG, Punjab.

Mr. A.K. Ranolia, Advocate for
Mr. Manoj Kumar Sharma, Advocate
for respondents No.2 and 3.

KARAMJIT SINGH, J.(Oral)

Present petition has been filed by the petitioners seeking quashing of criminal complaint No.81 dated 30.04.2009, under Sections 307, 326, 324, 148, 149 IPC, however, summoned under Sections 326, 324, 148, 149 IPC and all subsequent proceedings arising out the same including the judgment of conviction dated 17.11.2016 (Annexure P-2), on the basis of compromise (Annexure P-3) effected between the parties.

The above stated criminal complaint was filed by respondent No.2-Malkiat Singh, in which he alleged that the petitioners and some other persons attacked him and respondent No.3 Wassan Singh and caused injuries to them.

The petitioners were summoned by the trial Court to face trial and on completion of trial they were convicted and sentenced to imprisonment under Section 326, 324, 149 IPC vide judgment dated 17.11.2016, Annexure P-2, passed by the Court of JMIC, Batala. Appeal filed by the petitioners against the aforesaid judgment is pending before the Court of learned Additional Sessions Judge, Gurdaspur.

On notice of motion, respondents No.2 and 3 appeared in the Court through their counsel and pleaded that they have no objection if the aforesaid criminal complaint is quashed on the basis of the compromise, Annexure P-3, which has been effected between the parties.

During the course of preliminary hearing, concerned Appellate Court was directed to record the statements of all the concerned parties with regard to genuineness and validity or otherwise of the aforesaid compromise.

In compliance thereof, report from the concerned Appellate Court along with statements of the parties has been

received, in which, it is mentioned that the compromise is genuine and there is 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 judgement 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 present case, criminal complaint was lodged by respondent No.2 and on the basis of same, the petitioners were convicted and their appeal is pending before the Appellate Court. This Court is of the view that the dispute between the parties is primarily a private in nature. In view of the compromise, respondents No.2 and 3 do not want to take any further action against the petitioners. 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 criminal complaint No.81 dated 30.04.2009, under Sections 307, 326, 324, 148, 149 IPC, however, summoned under Sections 326, 324, 148, 149 IPC and all subsequent proceedings arising out the same including the judgment of conviction dated 17.11.2016 (Annexure P-2) are hereby quashed qua the petitioners, on the basis of compromise (Annexure P-3) effected between the parties.

Resultantly, the appeal preferred by the petitioners against the aforesaid judgment would be rendered infructuous and shall be so declared by the concerned Appellate Court, Gurdaspur.

The present petition stands allowed in the aforesaid terms.

20.05.2022

P. Chawla

**(KARAMJIT SINGH)
JUDGE**

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No