

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

CRM-M-34280-2020

Date of Decision:-**14.12.2022**

CHAMKAUR SINGH AND OTHERS

... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Jyoti Chahal, Advocate for
Mr. Divjyot S. Sandhu, Advocate
for the petitioners.

Ms. Kanika Sachdeva, AAG, Punjab.

Ms. Mandeep Kaur, Advocate
for respondents No.2 & 3.

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KARAMJIT SINGH, J. (Oral)

Present petition is for quashing of criminal complaint bearing FIR No.126 dated 7.7.2016 registered under Sections 323, 324, 325, 341, 201 IPC at Police Station City Kapurthala District Kapurthala and judgment/order of sentence dated 29.1.2020 passed by Chief Judicial Magistrate, Kapurthala (Annexure P-2) on the basis of compromise (Annexure P-3) along with other consequential proceedings arising thereto.

The aforesaid FIR was registered on the statement of complainant/respondent No.2-Surinder Pal against the petitioners.

On notice of motion, respondent Nos.2 and 3 appeared in the Court through their counsel and pleaded that they have no objection if the aforesaid FIR, judgment of conviction and order of sentence are 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 Sessions Judge, Kapurthala 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 proceedings 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, 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 FIR No.126 dated 7.7.2016 registered under Sections 323, 324, 325, 341, 201 IPC at Police Station City Kapurthala District Kapurthala and judgment/order of sentence dated 29.1.2020 passed by Chief Judicial Magistrate, Kapurthala (Annexure P-2) along with other consequential proceedings arising thereto are quashed on the basis of compromise (Annexure P-3).

Resultantly, the appeal preferred by the petitioners against the aforesaid judgment and order dated 29.1.2020 (Annexure P-2) would be rendered infructuous.

The present petition stands allowed in the aforesaid terms.

(KARAMJIT SINGH)
JUDGE

14.12.2022
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No