

CRM-M-39511 of 2022

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

CRM-M-39511 of 2022
Reserved on: 01.12.2022
Pronounced on: 06.12.2022

Simranjeet Singh @ Honey and others

.....Petitioners

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Argued by: -

Mr. Pankaj Bali, Advocate,
for the petitioners.

Mr. Anup Singh, AAG, Punjab.

Mr. Ankit Aggarwal, Advocate,
for respondent No.2.

NAMIT KUMAR, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of judgment and order dated 08.01.2013 (Annexure P-1) passed by the Additional Sessions Judge, Ludhiana in SC No.72 dated 19.10.2016 in case FIR No.18 dated 04.02.2006 under Sections 307, 324, 452, 148 and 149 IPC registered at Police Station Samrala, District Ludhiana, charge-sheet dated 07.12.2006 (Annexure P-3) and all other consequential proceedings arising therefrom, on the basis of compromise dated 06.08.2022 (Annexure P-6) arrived at between the parties.

The petitioners have been convicted and awarded sentence

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under other Sections of the IPC and not under Section 307 IPC.

Vide order dated 01.09.2022, 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 01.09.2022 with regard to the compromise dated 06.08.2022 (Annexure P-6). 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 01.09.2022 passed by this Court, the parties have appeared before the learned Additional Sessions Judge, Ludhiana, and as per the report dated 15.10.2022 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.

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**

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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”**.

Reliance is placed upon the case **'Rajesh Kumar and others versus State of Haryana and another'** 2006 (4) R.C.R. (Criminal) 317 and relevant portion of the same is reproduced as under:-

'In view of these facts, merely because the challan was filed arbitrarily by the prosecuting agency, it cannot be said that in given circumstances the FIR cannot be quashed. I am of the opinion that continuation of the proceedings for the alleged occurrence, which took place in the year 1993 in which the matter was compromised between the parties, will be an abuse of the process of the Court.'

In view of the aforesaid report of the learned Additional Sessions Judge, Ludhiana, accompanied by statements of both the parties, FIR No.18 dated 04.02.2006 under Sections 307, 324, 452, 148 and 149 IPC registered at Police Station Samrala, Ludhiana, along with all consequential proceedings arising therefrom as well as judgment of conviction dated 08.01.2013 (Annexure P-1) and charge-sheet dated 07.12.2006 (Annexure P-2) are hereby quashed, on the basis of compromise, *qua* the petitioners only, subject to the petitioners depositing an amount of ₹20,000/- as costs, with the Punjab and Haryana High Court

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Bar Association within one month from the date of passing of this judgment.

The petition stands disposed off accordingly.

06.12.2022
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No