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

**CRM-M-36504-2019 (O&M)
Date of decision: 11.05.2022**

Chamkaur Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present: Mr. M.S. Tiwana, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

Ms. Niharika Gupta, Advocate
for respondents No.2 & 3.

ARVIND SINGH SANGWAN, J.

The petitioners have prayed for quashing of FIR No.63 dated 12.06.2014 for the offences punishable under Sections 324, 323, 34 of the Indian Penal Code ('IPC' for short), registered at Police Station Nehianwala, District Bathinda and the judgment of conviction and order of sentence dated 16.03.2019, vide which the petitioners were directed to undergo imprisonment for a period of 01 year along with total fine of Rs.2000/- and in default of payment of fine, to further undergo simple imprisonment for 30

days as well as all the subsequent proceedings arising therefrom, on the basis of compromise effected between the parties.

Learned counsel for the petitioner submits that the appeal filed by the petitioners against the judgment of conviction and order of sentence is pending before the Court of Sessions, Bathinda and during pendency of the said appeal, the parties entered into a compromise. Learned counsel has referred to the compromise deed dated 18.06.2019, vide which the matter has been amicably settled between respondent No.2-complainant Hardeep Singh, respondent No.3-injured eyewitness Manpreet Singh and petitioners Chamkaur Singh and Lakhveer Singh and the complainant has no objection, if the FIR and the judgment of conviction and order of sentence are set aside and the petitioners are acquitted.

It is worth noticing that this petition is pending since 2019 and vide order dated 02.09.2019, passing of the final order by the lower appellate Court was directed to be stayed and the parties were directed to appear before the lower appellate Court for recording their statements in support of the compromise.

The lower appellate Court submitted a report dated 26.09.2019 and in the statement, respondent No.2-complainant Hardeep Singh stated that he filed the FIR, in which the trial Court convicted petitioners Chamkaur Singh and Lakhveer Singh on 16.03.2019 and as per compromise, the matter has been amicably settled between the parties. The statement made by respondent No.2 has been reiterated by respondent No.3-injured eyewitness

Manpreet Singh. It is further stated that the complainant has no objection, if the present petition is allowed and proceedings in pursuance of the impugned complainant are quashed. Similar is the statement of petitioners Chamkaur Singh and Lakhveer Singh. On the basis of same, the lower appellate Court recorded its satisfaction that compromise is genuine and is not an outcome of any pressure or coercion on the complainant as well as injured eyewitness and in view of settlement between the parties, there is no adverse effect on right of any of third party, as the dispute is between the respondents-complainant/injured eyewitness and petitioners-accused.

Learned counsel for the petitioners has referred to a judgment of the Hon'ble Supreme Court in **Criminal Appeal No.242 of 2014 (Dasan Vs. State of Kerala and anr.), decided on 27.01.2014**, wherein considering the fact that litigation is going on between the parties for the last so many years and the complainant made a statement that a valid compromise is effected between the parties and they want to bury their dispute, permission was granted to compound the offence, while setting aside the judgment of conviction. Learned counsel has further relied upon another judgment of the Hon'ble Supreme Court in **K. Subramanian Vs. R. Rajathi rep. by POA P. Kaliappan, 2010 (1) RCR (Cr1.) 184**, wherein, in similar circumstances, on the basis of compromise, conviction was set aside.

Learned counsel has also relied upon a Division Bench judgment of this Court in **Sube Singh and another Vs. State of Haryana**

and another, 2013 (4) RCR (CrI.) 102, wherein, on the basis of compromise, during pendency of an appeal against judgment of conviction, pending in the Court of Sessions, compounding of offence was allowed.

Learned State counsel as well as learned counsel for respondents No.2 & 3 have reiterated that the matter has been amicably settled between the parties and the complainant has no objection, if the offences are compounded.

After hearing learned counsel for the parties and considering the fact that the parties have decided to bury their inter-se dispute and further decided to live in peace, present petition is partly allowed. Sentence awarded to the petitioners i.e. 01 year R.I. along with total fine of Rs.1,000/- each and in default of payment of fine, to further undergo S.I. for a period of 30 days, vide judgment of conviction and order of sentence dated 16.03.2019, is modified to the extent that sentence awarded by the trial Court is reduced to the period already undergone by the petitioners.

Disposed of, accordingly.

[ARVIND SINGH SANGWAN]
JUDGE

11.05.2022
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No