

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-47091-2021 (O & M)
Date of decision: 16.09.2022

Om Parkash and ors. Petitioners

V/s

State of Haryana and ors. ...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rajinder Partap Singh, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Santosh Kumar Yadav, Advocate,
for respondents No.2 to 5.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for the quashing of FIR No.97 dated 29.08.2012 under Sections 323, 324, 325, 326, 34, 506 IPC registered at Police Station Baragudha, District Sirsa as well as the judgment of conviction dated 05.09.2017 and order of sentence dated 07.09.2017 (Annexure P-2) passed by the Additional Chief Judicial Magistrate, Sirsa vide which the petitioners were convicted and sentenced, and all consequential proceedings arising therefrom on the basis of compromise dated 09.10.2021 (Annexure P-4) effected between the parties.

The learned counsel for the petitioners submits that the petitioners-accused have been convicted and sentenced vide judgment and

P-2) passed by the Additional Chief Judicial Magistrate Ist Class, Sirsa. The appeal of the petitioners-accused is pending before the Sessions Judge, Sirsa.

Vide order dated 15.11.2021, this Court had directed the parties to appear before the Appellate Court for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 15.11.2021 with regard to the compromise (Annexure P-4).

In terms of the order dated 15.11.2021 passed by this Court parties have appeared before the court of Additional Sessions Judge, Sirsa and as per his report dated 07.12.2021, 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.

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 in consonance with the direction 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.***

In view of the aforesaid report of the learned Additional Sessions Judge, Sirsa accompanied by the joint statement of both the parties, the FIR No.97 dated 29.08.2012 under Sections 323, 324, 325, 326, 34, 506 IPC registered at Police Station Baragudha, District Sirsa as well as

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07.09.2017 (Annexure P-2) passed by the Additional Chief Judicial Magistrate, Sirsa vide which the petitioners were convicted and sentenced, and all consequential proceedings arising therefrom including the appeal proceedings pending qua the judgment of conviction before Additional Sessions Judge, Sirsa, are hereby quashed qua the petitioners only.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

September 16, 2022

sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No