

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

CRM-M-39587-2019 with
CRM-7257-2021
Date of decision: 07.09.2022

Gulzar SinghPetitioner

versus

State of Punjab and anotherRespondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

Mr. Gagandeep Singh, Advocate
for respondent No.2.

NAMIT KUMAR, J. (ORAL)

CRM-7257-2021

This application has been filed under Section 482 Cr.P.C. for placing on record additional affidavit of the petitioner and Annexure P-5.

In view of the averments made in the application, the same is allowed. Additional affidavit of the petitioner dated 06.03.2021, annexed with the application and Annexure P-5 is taken on record.

CRM stands disposed off.

CRM-M-39587-2019

This petition has been filed under Section 482 Cr.P.C. for quashing of criminal complaint No.21 dated 23.08.2014 (Annexure P-1) under Sections 419/420/465/467/468/471 of IPC along with conviction

order dated 03.08.2019 (Annexure P-2) under Sections 420 & 471 of IPC passed by the learned JMIC, Batala and all subsequent proceedings arising therefrom on the basis of compromise dated 02.09.2019 (Annexure P-4).

Vide order dated 17.09.2019, this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 17.09.2019 with regard to the compromise dated 02.09.2019 (Annexure P-4). The Illaqa Magistrate/trial Court was to submit a report in this regard giving certain details as enumerated in the said order.

Pursuant to the order dated 17.09.2019 passed by this Court, the parties have appeared before the learned Judicial Magistrate 1st Class, Batala and as per the report dated 09.01.2020 submitted to this Court, both the parties have got recorded their respective statements in Court.

However, in the report, at one place, it has been written that petitioner-Gulzar Singh has been declared a proclaimed offender and on 24.02.2021, learned counsel for the petitioner sought time to clarify the same. Counsel for the petitioner has filed an affidavit of petitioner-Gulzar Singh dated 06.03.2021 and para 4 of the same reads as under:-

“4. That in Para 3 of the report dated 09.01.2020, it is mentioned that petitioner-Gulzar Singh has not been declared a proclaimed person/offender by any Court. However in para 4 (ii) of the report, it has been mistakenly mentioned that petitioner Gulzar Singh has been declared as proclaimed person/offender in the present case on account of a typographical error. Word 'not' was required to be typed in that line, which has been missed due to typographical error.”

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 in the short reply filed by the respondent-State, in para 10, it has been stated that the petitioner has not been declared a proclaimed offender.

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 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"**.

In view of the aforesaid report of the learned Judicial Magistrate 1st Class, Batala accompanied by statements of both the parties, criminal complaint No.21 dated 23.08.2014 (Annexure P-1) under Sections 419/420/465/467/468/471 of IPC along with conviction order dated 03.08.2019 (Annexure P-2) under Sections 420 & 471 of IPC passed by the

learned JMIC, Batala along with all consequential proceedings arising therefrom are hereby quashed, on the basis of compromise, *qua* the petitioner only, subject to the petitioner depositing an amount of Rs.15,000/- as costs, with the Punjab & Haryana High Court Legal Services Committee.

The petition stands disposed off accordingly.

07.09.2022
Neha

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No