

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-54613-2021 (O & M)

Date of decision: 25.02.2022

Kamalbir @ Kamalvir Singh

..... Petitioner

V/s

State of Punjab and anr.

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Jasraj Singh, Advocate, for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. Imram Anwar, Advocate,
for the complainant-respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The Prayer in this petition is for quashing of the criminal complaint No.150 dated 07.01.2009 (Annexure P-1) under Sections 323, 324, 325, 341, 506, 148 and 149 IPC and all consequential proceedings arising therefrom including the judgment of conviction as well as the order of sentence dated 13.06.2016 (Annexure P-2) passed by the Court of Sub-Divisional Judicial Magistrate, Dasuya, on the basis of the compromise/settlement dated 02.12.2021 arrived at between the parties.

The learned counsel for the petitioner had contended that the incident is an outcome of a sudden quarrel between neighbours as civil litigation is pending between them. The parties have adjoining agricultural fields and the injured had fully recovered from the injuries and the matter has now been compromised. He relies upon the judgment of the Hon'ble

Madhya Pradesh, 2021(4) RCR (Criminal) 322, a judgment of the Single Bench of this Court in ***CRM-M-16531 of 2016*** titled as ***Sukhdev Singh and others versus State of Punjab and another***, decided on 02.09.2016 and a judgment of the Division Bench of this Court in the case of ***Sube Singh and another versus State of Haryana and another, 2013(4) RCR (Criminal) 102***, wherein it has been held that this Court under Section 482 Cr.P.C. is empowered to quash the criminal proceedings at any stage including the pendency of the appeal to secure the ends of justice.

On 06.01.2022, while issuing notice of motion, the parties were directed to appear before the Illaqa Magistrate/trial Court on 25.01.2022 to get their statements recorded with regard to the genuineness of the compromise.

The report in this regard has been submitted by the Sub Divisional Judicial Magistrate, Dasuya, as per which, the compromise between the parties has been effected without any pressure or coercion. It may also be pointed out that two co-convicts of the petitioner had also approached this Court by way of a quashing petition (CRM-M-20347-2019) based on the compromise and the proceedings qua those petitioners were quashed on 23.09.2021 (Annexure P-5).

In view of the law laid down by the Hon'ble Apex Court in the case of ***Ramgopal and anr. (supra)*** and in view of the judgments passed by this Court in the cases of ***Sukhdev Singh (supra)*** and ***Sube Singh and another (supra)***, and as per the report of the Sub Divisional Judicial Magistrate, Dasuya dated 07.02.2022, accompanied by statements of both the parties, the criminal complaint No.150 dated 07.01.2009

(Annexure P-1) under Sections 323, 324, 325, 341, 506, 148 and 149 IPC and all consequential proceedings arising therefrom are quashed and the judgment of conviction as well as the order of sentence dated 13.06.2016 (Annexure P-2) passed by the Court of Sub-Divisional Judicial Magistrate, Dasuya, are hereby set-aside.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

February 25, 2022
sukhpreet

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