

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-47896-2019 (O & M)

Date of decision: 11.07.2022

Harbhajan Singh

.... Petitioner

V/s

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Amit Arora, Advocate,
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

Mr. P.S. Kanwar, Advocate,
for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for the quashing of the criminal complaint No.139 dated 17.03.2014 (CNR No.108/2014) under Sections 420, 467, 468, 471, 474, 120-B IPC (Annexure P-1) and summoning orders dated 3.10.2016 passed by Sub Divisional Judicial Magistrate, Patti, District Tarn Taran, vide which the petitioner was ordered to be summoned to face trial for commission of offences under Sections 420, 467, 468, 471, 474, 120-B IPC (Annexure P-2) and for setting aside the judgment dated 12.4.2018 passed by the Sub Divisional Judicial Magistrate, Patt, District Tarn Taran vide which the petitioner stands convicted for the aforesaid offences (Annexure P-3) and and all consequential proceedings arising

therefrom on the basis of compromise (Annexure P-4) arrived at between the parties.

The learned counsel for the petitioners submits that the petitioners-accused have been convicted and sentenced vide judgment and order dated 12.04.2018 (Annexure P-3) passed by the Sub Divisional Judicial Magistrate, Patti, District Tarn Taran. The appeal of the petitioner-accused is pending before the Additional Sessions Judge, Tarn Taran.

Vide order dated 23.01.2020 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 23.01.2020 with regard to the compromise (Annexure P-4).

In terms of the order dated 23.01.2020 passed by this Court parties have appeared before the court of Additional Sessions Judge, Tarn Taran, and as per her report dated 05.02.2020, 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)***

In view of the aforesaid report of the learned Additional Sessions Judge, Tarn Taran, accompanied by the joint statement of both the parties, the criminal complaint No.139 dated 17.03.2014 (CNR No.108/2014) under Sections 420, 467, 468, 471, 474, 120-B IPC (Annexure P-1) and summoning order dated 3.10.2016 passed by Sub Divisional Judicial Magistrate, Patti, District Tarn Taran, vide which the petitioner was ordered to be summoned to face trial for commission of offences under Sections 420, 467, 468, 471, 474, 120-B IPC (Annexure P-2) and the judgment dated 12.4.2018 passed by the Sub Divisional Judicial Magistrate, Patt, District Tarn Taran vide which the petitioner stands convicted for the aforesaid offences (Annexure P-3) and all consequential proceedings arising therefrom are hereby quashed.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

July 11, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No