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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-S-11-2023 (O&M)

Date of decision :24.07.2023

GURPREET ALIAS GOLU

... Petitioner(s)

Versus

STATE OF HARYANA & ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Lalit Singla, Advocate
for the appellant.

Mr. S.K. Panwar, Addl. A.G., Haryana.

Mr. Shivam Garg, Advocate
for the complainant.

JASJIT SINGH BEDI, J. (ORAL)

CRM-27384-2023

The present application has been filed by the applicant-appellant for compounding the offence for which the applicant/appellant has been convicted, on the basis of compromise.

Allowed as prayed for subject to all just exceptions.

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The present appeal has been filed against the judgment of conviction and order of sentence dated 28.10.2022/31.10.2022 passed by the Sessions Court, Fatehabad.

The appeal came to be filed on 23.12.2022 and was admitted vide order dated 05.01.2023.

During the pendency of the instant appeal, a compromise has been effected between the parties.

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Vide order dated 23.12.2022 passed in connected CRA-S-2774-2022 this Court had directed the parties to appear before the Sessions Court, Fatehabad for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 23.12.2022 with regard to the compromise.

The Sessions Court, Fatehabad was to submit a report in this regard giving certain details as enumerated in the said order.

Pursuant to the order dated 23.12.2022 passed in CRA-S-2774-2022 by this Court, the parties have appeared before the District & Sessions Judge, Fatehabad and as per the report dated 06.01.2023 submitted to this Court, 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 a 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 of judgments with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543***".

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In view of the aforesaid report of the District and Sessions Judge, Fatehabad accompanied by statements of both the parties, by invoking this Court's inherent powers under Section 482 Cr.P.C., the FIR No.05 dated 03.01.2019 under Sections 379-A and 201 read with Section 34 & 411 IPC at Police Station City, Tohana along with all consequential proceedings arising therefrom including the judgment of conviction/sentence dated 28.10.2022/31.10.2022 passed by Sessions Court, Fatehabad are hereby quashed qua the appellant.

The appeal stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

24.07.2023
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No