

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

273

CRM-M-1232-2023
Date of Decision:10.04.2023

SahilPetitioner
Vs.
State of Haryana and AnotherRespondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Surinder Singh Duhan, Advocate
for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Ms. Pooja Arora, Advocate for
respondent No.2.

DEEPAK GUPTA, J.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.389 dated 12.09.2017 registered under Sections 323, 324, 34 & 341 of the IPC registered at Police Station Safidon, District Jind and all subsequent proceedings arising therefrom on the basis of compromise by way of affidavit dated 07.08.2020 (Annexure P-3).

Petitioner, as juvenile in conflict with law, has been convicted by Juvenile Justice Board, Jind vide judgment dated 14.11.2019 under Section 323/34 and Section 324/34 IPC. He was sentenced to undergo imprisonment for a period of one year. Co-accused Nirmla and Jai Singh who face separate trial as adult, were acquitted vide judgment dated 31.08.2022 (Annexure P-4).

This Court vide order dated 11.01.2023 had directed the parties to appear before the trial Court to get their statements recorded and the

learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before Learned Judicial Magistrate 1st Class and got their statements recorded. On the basis of the statements so recorded, Learned Magistrate has submitted report dated 01.03.2023 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence.

Learned counsel has referred to ***“Ramgopal and another v. State of Madhya Pradesh”*** 2021 SCC Online SC 834, to contend that criminal proceedings involving non-heinous offences or where offences are pre-dominantly of a private nature, can be annulled irrespective of the fact that trial has been concluded and appeal stands dismissed against conviction, under extraordinary powers enjoined upon the High Court under Section 482 Cr.P.C.

Learned counsel for respondent No.2 concedes the factum of the compromise amongst the parties and has no objection to allow the petition and set aside the impugned judgment of conviction and order of sentence on account of the compromise having been effected between the parties.

Consequent to the aforesaid facts and circumstances and having regard to the legal position as explained in Ramgopal's case (*supra*), the impugned judgment of conviction and order of sentence, are hereby set aside on account of the compromise between the parties as has been noticed that co-accused Nirmla and Jai Singh who face trial as adult have already been acquitted vide judgment dated 31.08.2022.

It is not out of place to mention that co-accused Nirmla and Jai Singh, who faced trial, have already been acquitted by Sub Divisional Judicial Magistrate, Safidon vide judgment dated 31.08.2022.

In view of the compromise between the parties, this petition is allowed and F.I.R. No.389 dated 12.09.2017 registered under Sections 323, 324, 34 & 341 of the IPC registered at Police Station Safidon, District Jind and all subsequent proceedings arising therefrom on the basis of compromise dated 07.08.2020 (Annexure P-3), are quashed qua the petitioner.

April 10, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No