

CRM-M-6007-2022

Date of decision: 01.02.2023

Gurbaj Singh and others

.....Petitioners

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**Present:** Mr. Jaswinder Singh Grewal, Advocate
for the petitioners.

Mr. Jashanpreet Singh, DAG, Punjab.

Mr. Aman Kumar, Advocate for
Mr. Piyush Sharma, Advocate
for respondent No.2.**NAMIT KUMAR, J. (ORAL)**

This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.131 dated 15.08.2014 under Sections 325/323/341/34 of IPC registered at Police Station City 1 Abohar, Tehsil Abohar and District Fazilka, and all subsequent proceedings arising therefrom including judgment of conviction dated 16.08.2017 (Annexure P-2), on the basis of compromise dated 30.12.2021 (Annexure P-3).

Vide order dated 11.02.2022, 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 11.02.2022 with regard to the compromise dated 30.12.2021 (Annexure P-3). 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 11.02.2022 passed by this Court, the parties have appeared before the learned Additional District & Sessions Judge, Fazilka, and as per the report dated 09.03.2022 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 and petitioner is not 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 Additional District and Sessions Judge, Fazilka, accompanied by statements of both the parties, FIR No.131 dated 15.08.2014 under Sections 325/323/341/34 of IPC registered at Police Station City 1 Abohar, Tehsil Abohar and District Fazilka, along with all consequential proceedings arising therefrom as well as judgment of conviction dated 16.08.2017 (Annexure P-2) are hereby quashed, on the basis of compromise, *qua* the petitioners only,

subject to the petitioners depositing an amount of Rs.10,000/- each, as costs (Rs.50,000/- in total), with the Punjab & Haryana High Court Lawyers' Welfare Fund within two months from the date of passing of this judgment.

The petition stands disposed off accordingly.

01.02.2023
Neha

(NAMIT KUMAR)
JUDGE

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