

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRA-S-3530-SB-2013 (O&M)
Date of Decision: February 15, 2023**

Saudagar Singh and others

... Appellants

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. K.K. Goel, Advocate with
Ms. Ashmita Goel, Advocate for the appellants.

Mr. Parneet Singh Pandher, AAG, Punjab.

Mr. Amit Parsad, Advocate for the complainant.

DEEPAK GUPTA, J.(Oral)

The present appeal has been filed against the judgment of conviction and order of sentence dated 27.09.2013 of the learned Additional Sessions Judge, Ludhiana, arising out of case FIR No.16 of 22.01.2009, registered at Police Station Sahnewal, District Ludhiana, under Sections 452, 323, 324, 506, 148 and 149 of IPC whereby the appellants have been convicted under Sections 452, 148, 323/149, 324 besides Section 506 IPC and sentenced to varying imprisonments with maximum sentence of three years imprisonment. All the sentences were directed to run concurrently.

It is submitted by learned counsel for the appellants that during the pendency of the appeal, compromise has been effected between the parties. After that compromise, a quashing petition bearing No.CRM-M-26308-2019 was filed, wherein on the direction of the Court, statements of the parties were recorded by learned Chief Judicial Magistrate, Ludhiana. However, due to pendency of the present appeal, this Court noticed that as Court was already seized of the matter in hand

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in the appeal so it would be appropriate for the petitioners to move an application for disposing the appeal on the basis of compromise, rather than filing a parallel petition under Section 482 Cr.P.C. for quashing of the petition.

In view of the said observations made by the Court, CRM-M-26308-2019 (O&M) was dismissed as withdrawn on 07.12.2020 with liberty to the petitioners to place on record the documents of that petition including copy of the compromise and got statements recorded by the Magistrate in the appeal case.

Learned counsel for the appellants 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 the complainant concedes the factum of the compromise amongst the parties and has no objection to allow the appeal 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.

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Accordingly, the present appeal is allowed.

February 15, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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