

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRA-S-1007-2020(O&M)

Date of Decision:-11.08.2023

Rajiv Kumar @ Sony & Ors.

.....Appellants.

Vs.

State of Punjab & Ors.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. K.S. Brar, Advocate for the Appellants.

Mr. Harkanwar Jeet Singh, Assistant Advocate General,
Punjab.

Mr. Johny, Advocate for
Mr. Arvind Kashyap, Advocate for respondent nos.2 & 3.

JASJIT SINGH BEDI, J.(ORAL)

CRM-27421-2021

The present application has been filed by the applicants-appellants for placing on record compromise dated 02.07.2021 (Annexure A-1) arrived at between the parties and order passed by this Court as Annexure A-2 i.e. order dated 25.08.2021 passed in CRM-M-34537-2021, Annexure A-3 & Annexure A-4 i.e. Aadhar Cards of Complainant and Injured as well as amended memo of parties.

Allowed as prayed for subject to all just exceptions.

Aforesaid documents i.e. Annexure A-1 to A-4 along with amended memo of parties are taken on record. Registry to place the same at

appropriate place and paginate the paper book accordingly.

CRA-S-1007-2020(O&M)

On the oral request of the counsel for the parties the main appeal is taken up on board for hearing today itself.

The present appeal has been filed against the judgment of conviction and order of sentence dated 17.02.2020 passed by the Additional Sessions Judge, Fatehgarh Sahib in case FIR No.55 dated 04.05.2014 under Sections 307, 323, 324, 341, 506 & 34 IPC at Police Station Bassi Pathana.

The convicts came to be convicted and sentenced as under:-

Sr. No.	Name of accused	U/S	Imprisonment	Fine
1.	Rajiv Kumar @ Sony	326 IPC	3 Years RI	Rs.5000/- in default of payment of fine further RI for one month
		341 IPC	1 Year RI	—
		506 IPC	1 Year RI	—
2.	Krishan Kumar @ Kala	326/34 IPC	3 Years RI	Rs.5000/- in default of payment of fine further RI for one month
		323/34 IPC	1 Year RI	—
		341 IPC	1 Year RI	—
		506 IPC	1 Year RI	—
3.	Ravinder Singh	326/34 IPC	3 Years RI	Rs.5000/- in

	@ Ravi			default of payment of fine further RI for one month
		323/34 IPC	1 Year RI	—
		341 IPC	1 Year RI	—
		506 IPC	1 Year RI	—
4.	Pardeep Singh	326/34 IPC	3 Years RI	Rs.5000/- in default of payment of fine further RI for one month
		323/34 IPC	1 Year RI	—
		341 IPC	1 Year RI	—
		506 IPC	1 Year RI	—

The appeal came to be filed on 18.03.2020 and was admitted vide order dated 19.03.2020.

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

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 with the judgments 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”.

In view of the above the present appeal is allowed and by invoking this Court's inherent powers under Section 482 Cr.P.C., the FIR No.55 dated 04.05.2014 under Sections 307, 323, 324, 341, 506 & 34 IPC Police Station Bassi Pathana along with all consequential proceedings arising therefrom including the judgment of conviction/sentence dated 17.02.2020 passed by Additional Sessions Judge, Fatehgarh Sahib are hereby quashed qua the appellants.

The appeal stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 11, 2023

Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>