

233 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18365-2022 (O&M)
DATE OF DECISION:-03.02.2023

Deep @ Pardeep Singh and another

...Petitioners.

V.

State of Haryana and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rohit Choudhary, Advocate,
for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Ullas Kapoor, Advocate for
Ms. Ramanjit Kaur, Advocate,
for respondent No.2.

HARKESH MANUJA, J.

The prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.134 dated 16.04.2015 (Annexure P-1) registered under Sections 323, 325, 341, 506 and 34 IPC with Police Station Safidon, District Jind, and all other consequential proceedings arising therefrom on the basis of compromise dated 21.03.2022 (Annexure P-2) arrived at between the parties.

Learned counsel for the petitioners submits that the petitioners-accused have been convicted and sentenced vide judgment/order dated 02.02.2018/05.02.2018 (Annexure P-3) passed by the Judicial Magistrate Ist Class, Safidon, the appeal is pending before the learned Appellate Court and in the meanwhile, parties have settled their differences with the intervention

of elders and respectables and resultantly prays for quashing of the FIR along with all subsequent proceedings arising therefrom.

Vide order dated 18.07.2022, this Court directed the parties to appear before Appellate Court for getting their statements recorded in terms of certain parameters given in the aforesaid order with regard to the compromise (Annexure P-2).

In terms of order dated 18.07.2022 passed by this Court, parties appeared before the court of Additional District & Sessions Judge, Jind and a report dated 13.09.2022 has been received from the concerned court, stating that the compromise is genuine, voluntarily and without any coercion or undue influence, besides, no other proceeding pending against the petitioners-accused.

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 in consonance with the direction 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.***

Thus, in view of the aforesaid report, accompanied by statements of both the parties, the nature of injuries and the fact that the parties are residing in the same vicinity, besides for the purpose of maintaining peace among them and their generations to come as well as keeping in mind the law laid down in the aforementioned judgments, FIR No.134 dated

16.04.2015 (Annexure P-1) registered under Sections 323, 325, 341, 506 and 34 IPC with Police Station Safidon, District Jind and judgment/order dated 02.02.2018/05.02.2018 passed by learned JMIC, Safidon as well as all the subsequent proceedings arising therefrom are hereby quashed qua the present petitioners only.

7. Accordingly, petition stands disposed of but subject to deposit of a sum of Rs.20,000/- by the petitioners within a period of two weeks from today before the Bar Clerks Association, Punjab and Haryana High Court, Chandigarh.

03.02.2023
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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No